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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

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F

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K

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N

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P

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Q

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R

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S

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T

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W

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Walker, Mr. R. L. (Nominated Official.)
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Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 14th August, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Ministers and 99 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Revenue sale of estates at Chittagong.

*36. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact—

(*i*) that the offers of full arrears with penalties, etc., made by the proprietors and other interested persons with petitions have not been accepted by the Additional Collector in the last revenue sale on the 17th June, 1935, in Chittagong; and

(*ii*) that in consequence the permanently settled estates bearing tauzi Nos. 19, 44, 50, 51, 226, 443 and others have been put up to sale?

(*b*) Will the Hon'ble Member be pleased to state whether any of his predecessors ever refused to accept such offers made by the defaulting proprietors?

(*c*) Is it a fact that some proprietors approaching him in their eagerness to save their estate with such offers have been assaulted?

(*d*) Is the Hon'ble Member aware that one of the assaulted persons, namely, Gani Meah Choudhury, son of Baharullah Choudhury, of Imamnagar, police-station Fatickchhari, the proprietor of estates bearing tauzi Nos. 44 and 495 reported the matter to the Divisional Commissioner and showed the latter the mark of injury?

(*e*) Is it a fact that a good many responsible and respectable people of Chittagong made a representation of the whole affair to the Divisional Commissioner?

(*f*) What relief has been granted in the matter?

(*g*) If the answer to (*f*) is in the negative, are the Government contemplating giving any relief in future?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) The sale of permanently settled estates lasted three days. Arrears were accepted in all cases before sale and on all these days except at the time of the actual sale.

(*ii*) In the sale of the estates the prescribed legal procedure is reported to have been followed with proper discretion by the Additional Collector. The proprietor of any of them who has any grievance in the matter has still a legal remedy under the Land Revenue Sales Act.

(*b*) No information is available as to how the predecessors of the present Additional Collector exercised their discretion in the matter of sale.

(*c*) No.

(*d*) No. Gani Meah Choudhury did not go to the Divisional Commissioner.

(*e*) and (*f*) A representation was made to the Divisional Commissioner and after considering it on its merits he declined to take any action.

(*g*) No further relief appears to be necessary.

(Haji Badi Ahmed Chowdhury asked a few supplementary questions in Bengali, the following being an English translation of his questions.)

Haji BADI AHMED CHOWDHURY: Will the Hon'ble Member be pleased to state whether Gani Meah Choudhury showed his injuries to the Divisional Commissioner and whether in the company of a large number of other persons Gani Meah handed over the petition mentioned in question (*c*) to the Commissioner. Why is this true fact denied?

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, my information is that this gentleman, Gani Meah Choudhury, did not go to the Divisional Commissioner, and the Divisional Commissioner says that he never saw this letter.

Haji BADI AHMED CHOWDHURY: I hold in my hand a copy of that petition just mentioned. Is it not then quite certain that Gani Meah Choudhury must have handed over the original to the Commissioner?

The Hon'ble Sir BROJENDRA LAL MITTER: I cannot say what document he gave.

Haji BADI AHMED CHOWDHURY: Besides Gani Meah, Babu Kiran Chandra Guha was also insulted by the Additional Collector who refused to accept rents from a large number of other persons and put up the *mahals* to auction sale. Whether or not Gani Meah and others went to obtain redress in this matter?

The Hon'ble Sir BROJENDRA LAL MITTER: A petition was presented to the Commissioner, but I cannot say who the person was, who actually presented that petition, but my definite information is that the gentleman, Gani Meah Choudhury, did not go to the Commissioner.

Haji BADI AHMED CHOWDHURY: Whether or not many *zemindars* were insulted and their *mahals* sold away by auction when they offered to pay up rents on the 17th instant after the holidays which lasted from the 14th to the 16th of the month?

The Hon'ble Sir BROJENDRA LAL MITTER: I have no information. I ask for notice.

Process-servers.

*37. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government have received a copy of the resolutions passed at a conference of the process-servers of the Rangpur district on the 17th February, last?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what actions have been taken on the resolutions?

(*c*) If no action has been taken yet, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Yes.

(*b*) and (*c*) The resolutions did not call for any direct action by Government: Local Officers have taken necessary action on them as far as practicable.

Kazi Emdadul Hoque: Will the Hon'ble Member be pleased to cite some cases in which action has been taken?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice.

Rural Uplift Grant for Medical and Public Health.

*38. **Mr. S. M. BOSE:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether any, and, if so, what, amount from the Rural Development Grant from the Government of India has been allocated for Medical and Public Health purposes;

(*ii*) how he proposes to spend the money so allotted; and

(*iii*) the details of any scheme that may have been prepared for the expenditure of such sum?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*i*) Yes; Rs. 3,50,000 for the establishment of dispensaries and the improvement of water-supply.

(*ii*) and (*iii*) For details the member is referred to the memorandum of which a copy has been placed on the Library table.

Transfer of Sheristadars of Collectorates.

*39. **Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the Superintendents of Collectorates in the district are going to be transferred from one district to another?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether this will not stand in the way of senior Head Clerks being promoted to the post of Superintendents?

(*c*) Is it not a fact that a comparatively junior man may be transferred when the senior and more experienced Head Clerks had the chance of occupying the post under ordinary circumstances?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Government have decided that Superintendents or *Sheristadars* of Collectorates should be liable to transfer from one district to another.

(*b*) Government do not consider that this decision will normally stand in the way of senior Head Clerks being promoted to the post of Superintendent.

(*c*) This may occasionally happen but a really meritorious Head Clerk may have the chance of being appointed Superintendent in another district.

Maulvi SYED MAJID BAKSH: Is it not a fact that the second officer who has a chance of promotion by the earlier retirement of the *sheristadar* may lose that chance if another *sheristadar* having a longer lease of service to render is brought in his place?

Mr. PRESIDENT: I think that is a hypothetical question.

The Hon'ble Sir BROJENDRA LAL MITTER: Yes.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state after how many years such transfers ordinarily take place?

The Hon'ble Sir BROJENDRA LAL MITTER: There is no definite rule on the subject.

Rai Bahadur KESHAB CHANDRA BANERJI: Is it a fact that five years is the minimum period for such transfers?

The Hon'ble Sir BROJENDRA LAL MITTER: My information is that no rule has been made.

Muslims in the Court of Wards Estates.

*40. **Maulvi SYED OSMAN HAIDER CHAUDHURI:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the present—

(*i*) the number of estates under the management of the Court of Wards in Bengal; and

(*ii*) the percentage of the Muslim employees therein as compared with those of the other communities?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) 124.

(*ii*) The Court of Wards has a large establishment scattered over the province consisting of officers of various ranks: hence the collection of the required information would entail so much labour, time and expense that the Government regret that they are not prepared to undertake the task.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Settlement of land revenue of diara mahals in Chusuri (Howrah).

19. **Mr. SARAT KUMAR ROY:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that settlement of land revenue of *diara mahals* in *mauza* Ghusuri in the Howrah district has been taken up without previously fixing the fair rents payable by occupants of lands of those *diara mahals* and incorporating them in a record-of-rights framed and finally published for the purpose?

(*b*) Have the Government considered the difficulty that would arise for the proprietors of the *diara mahals* in realising fair rents from their under-tenants, particularly in view of the ruling of the Calcutta High Court reported in 27 C.W.N., pages 121 *et seq*, and in 29 C.W.N., pages 505 *et seq*?

(*c*) Is it a fact that such difficulty arises only because the lands there are non-agricultural and the existing law does not permit the preparation of a rent roll under Chapter X, Part II of the Bengal Tenancy Act, in respect of tenancies of such *diara mahals*?

(*d*) Is the Hon'ble Member aware that the Bengal Non-Agricultural Lands Rent Settlement Bill, 1933, already introduced in this Council was for the purpose of removing such difficulty as aforesaid?

(*e*) Do the Government intend suspending the *diara* settlement operations in the aforesaid *mauza* till the Bengal Non-Agricultural Lands Rent Settlement Bill is passed and enforced?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) A draft record-of-rights has been framed and rents now being paid by tenants of various grades have been recorded therein. As the land is non-agricultural in character, fair rents cannot be settled under Chapter X (Part II) of the Bengal Tenancy Act. It is proposed to settle the land revenue under Regulation VII of 1822.

(*b*) Yes. The difficulty will arise only in cases where the proprietor or any other occupant has leased out any land at a low rent fixed in perpetuity. In all other cases he can have his tenant's rent enhanced either by contract or by suit.

(*c*) and (*d*) Yes.

(*e*) No. Government see no reason to forgo their just dues pending the passage of the Bill.

Withdrawal of landlords' transfer fees by co-sharer landlords.

20. Mr. SARAT KUMAR ROY: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that co-sharer landlords are experiencing great difficulty in withdrawing the landlords' transfer fees from the Collectorate, through defects in the rules framed for the purpose?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, do the Government propose to take for removing this difficulty?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) and (*b*) Government are not aware that co-sharer landlords are experiencing any

insurmountable difficulty in withdrawing the landlords' transfer fees from the Collectorate. The rules are, however, being examined with a view to further improvement.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether he proposes to consult the representatives of landlords when the question of revision of these rules is taken up?

The Hon'ble Sir BROJENDRA LAL MITTER: If landlords will communicate to Government their suggestions, that will be more helpful than Government consulting the landlords.

Educational institutions in Patuakhali.

21. Maulvi ABI ABDULLA KHAN: (*a*) Is the Hon'ble Minister in charge of Education Department aware—

(*i*) that Patuakhali is the largest subdivision of the district of Bakarganj;

(*ii*) that it has the largest population compared with the other subdivisions of the district excepting the Sadar;

(*iii*) that Patuakhali is the only subdivision where there is no Government school; and

(*iv*) that the number of Government-aided schools in the Patuakhali subdivision is less than that in any other subdivisions of the district?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of—

(*i*) establishing a Government school in the Patuakhali subdivision; and

(*ii*) increasing the number of aided schools?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) Yes.

(*b*) (*i*) No.

(*ii*) Yes.

Crop failure in certain parts of Hooghly.

22. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that acute distress has been prevailing for sometime past in certain parts

of the Hooghly district, notably in the Guptipara *char* area and Dhaniakhali thana in the Sadar subdivision and Goghat thana in the Arambagh subdivision, on account of drought and consequent failure of crops during the last year in these places?

(*b*) Is the Hon'ble Member also aware that the District Board of Hooghly drew the attention of the local authorities by passing a resolution in one of their ordinary meetings to the state of things prevailing in those places and asking the Government to start test relief works in suitable areas?

(*c*) Is it a fact that a large number of cultivators sent requisitions to the Collector of Hooghly for supplying them with paddy seeds by way of loan?

(*d*) If the answers to (*a*), (*b*) and (*c*) are in the affirmative, will the Government be pleased to state what action, if any, has been taken in these directions?

(*e*) If no action has yet been taken, will the Hon'ble Member be pleased to state the reasons why no action has been taken in the matter?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Government are aware that the cultivators of these areas are in very considerable financial straits owing to crop failure last year.

(*b*) and (*c*) Yes.

(*d*) The following action has been taken:—

(*i*) The District Agricultural Association has advanced seed loans worth Rs. 500 in the shape of 100 maunds of *aus* paddy and 104,690 sugarcane cuttings to the agriculturists in the affected areas.

(*ii*) A loan of 900 maunds of paddy seeds has been advanced by Government.

(*iii*) 13,000 sugarcane cuttings have been supplied free of cost.

(*iv*) A sum of Rs. 500 has been granted out of Babu Ramlal Mukherji's Trust Fund for distribution on gratuitous relief.

The situation is being closely watched and local officers including the Collector and the Subdivisional Officers have been touring in the affected areas. Further relief will be granted if necessary.

(*e*) Does not arise.

Madaripur civil courts.

23. Rai Bahadur AKSHOY KUMAR SEN: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government are contemplating shifting the civil courts at Madaripur from its present site?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what is the site selected?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) There is no present proposal of shifting the civil courts.

(*b*) Does not arise.

Burdwan Flood.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, before you take up the normal business of the Council, may I ask for some information regarding the present state of Burdwan? The matter has caused so much anxiety and interest in the province that some information from the Treasury Benches about the present condition of the locality will be much appreciated. I do not know, Sir, which Member or Minister of Government is directly concerned, but if he will give some information to the House, it will allay to some extent the uneasy feeling prevalent in the country.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, the latest information that we have got is that the flood is subsiding, and the town of Burdwan is practically dry now; but we have no information from the interior. Some portions of the interior have been cut off. In the town of Burdwan, however, things there are decidedly better.

SPECIAL MOTION.

The Hon'ble Mr. R. N. REID: I beg to move the special motion which stands in my name:—

"This Council takes into consideration the proposals of the Government of Bengal on the delimitation of constituencies for the Bengal Legislative Assembly and the Bengal Legislative Council under the Government of India Act, 1935, and the Report of the Provincial Advisory Committee on the Delimitation of Constituencies, 1933-34; and recommends that the proceedings be forwarded to the Delimitation Committee, for their information."

The purpose of this motion is to give the members of this House an opportunity to discuss the proposals of Government on the delimitation of constituencies for the Bengal Legislature under the Reformed Constitution. The proposals of Government have been in the hands of members for over a month, and they have no doubt been carefully studied in all their aspects. It is, therefore, neither necessary nor appropriate that I should dilate upon them in detail, and I have no intention of shortening the time available for other members more than I possibly can. Government gave the widest publicity to the Memorandum containing their proposals and they invited public criticism. The public have responded freely to the invitation, and I am glad to say that many members of the House also have sent in their views. All the criticisms are to be examined by the Provincial Advisory Committee, and ultimately they will find their way to the Committee which is to be presided over by Sir Laurie Hammond. It is anticipated that the Hammond Committee will have to complete its tour by the end of the year; so that there will be little time for taking oral evidence. The need for taking such evidence, however, save perhaps in exceptional cases, will be obviated by the procedure which is being adopted here and throughout India—of publishing Government proposals for criticism and also discussing them where possible in the Legislatures. These discussions it is intended to forward for the use of Hammond Committee in addition to all the written criticisms which have been received. By these methods the Delimitation Committee should be placed in possession of ample material on which to gauge public opinion on the proposals of Provincial Governments.

As the Council is aware, the Provincial Advisory Committee, which is practically a Committee of this House, completed its work long before the new Constitution Act was passed—in March 1933—but the basis on which it worked—the White Paper combined with the Communal Award—has remained substantially unchanged in the new Government of India Act. Important changes it is true were made with respect to the Federal Legislature—indirect election for the Federal Assembly and direct election for the Council of State—but the present motion covers the Provincial Legislature only.

Some of the members of the House who are also members of the Advisory Committee may feel diffident about expressing their views here, as the Advisory Committee will, I believe, begin its sittings next Monday. But I do not think there is any real need to feel any such reluctance to expressing their views here. The proceedings of this discussion will be forwarded to the Hammond Committee independently of and supplementary to the proceedings of the Advisory Committee. I think the position can best be compared to a general debate on a Bill which comes before this House. Members freely express their views on the Bill in the general debate, whereas in a Select Committee they

have to deal with the clauses of the Bill one by one in the more intimate and informal discussion required of the Committee system. The proceedings of the Advisory Committee in this case would be analogous to those of the Select Committee.

There is one important thing which I would ask members to bear in mind. We are *not* discussing the Communal Award. This Council has already devoted time and care to this problem; but at this stage we have to accept the allocation of seats as prescribed in the new Constitution, and our purpose should be to see that the actual constituencies that are to be made are those best devised to serve the interests of the electors. Many members will no doubt desire to speak, and I think it would be to the general advantage if members were to refrain from reopening those communal questions which have to be regarded as settled for the time being in the new Act.

I would also ask members to bear in mind that the motion deals with the Provincial Legislature only.

I beg to move the special motion which stands in my name.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. The Hon'ble Member in charge has suggested the lines on which the debate should take place, but I should like to have your authoritative ruling on the point, so that we may have instructions and guidance as to the lines on which the debate is to proceed. For instance, I should like to know whether it would be permissible for us to deal with the broad question of readjustment of provincial boundaries, whether it could possibly come in connection with the question of delimitation of constituencies; secondly, whether it would be permissible to discuss the allotments made under different heads of the total number of seats allotted to Bengal

Mr. PRESIDENT: The question of provincial boundary certainly does not arise, but the question of allotments of seats certainly comes in.

Babu JATINDRA NATH BASU: In discussing the question of delimitation of constituencies, I am aware that for the present, the decision of the British Government regarding communal representation has to be taken as the basis, however much it may be a standing source of discontent to large sections of the population, who do not believe that differences in race or creed should be given predominance in the constitution of states, but desire all creeds and communities to work unitedly

for the common welfare. The case of those who do not enjoy the advantage of belonging to special constituencies organised on a racial or religious basis, but have to struggle in the open field in general constituencies is the question that I shall deal with.

Under the Montague system, the general constituencies were divided into 11 urban seats and 35 rural seats, the total number of general seats being 46.

Under the present Government of India Act, the number of general seats is 77, besides 2 seats for women and a representative of Darjeeling.

Those entrusted with the arrangement for the allocation of the general seats, have to labour under a great difficulty, inasmuch as while creedal and racial seats have doubled or trebled, the general seats which in a progressive State ought to have increased in a larger proportion than in the case of special seats are in fact less than double under the present system.

Further, out of the 77 general seats, 30 are set apart on communal lines, being reserved for the scheduled castes. So, the number of real general seats is 47.

Regarding the allocation of those seats between rural and urban constituencies it is proposed by Government to set apart 11 for urban areas, and 36 for rural areas.

The claims of the urban areas have thus been neglected.

Under the Montagu system the proportion of urban to rural seats was 11 to 35.

As all the seats for the scheduled castes are assigned to rural areas the proportion under the new Act will be 11 urban to 66 rural. This is ignoring the importance of urban areas, which are fast growing in population and importance, and which are centres of the cultural life and the economic organisation of the people. While I do not in any way minimise the importance of rural representation, I think that neither urban nor rural areas should be deprived of their rights at the expense of the other. The number of additional seats for the general constituencies should be divided in the same proportion as under the Montagu system.

The suggestion of the Provincial Advisory Committee appears to be reasonable (see pages 6 and 18 of Volume I of that Committee's Report). The Committee suggested an increase of urban seats to 18, and laid down the different urban constituencies to which those seats should be allocated, the allocation being on the basis of proximity and community of interest.

The small proportion of urban seats has resulted in difficulties. The Calcutta general seats have been reduced from 6 to 4. This ignores

the importance of Calcutta which is fast growing. The cities in the Howrah district had a seat and so had the cities of the Hooghly district. But Howrah with its large industries and its growing development, and the great riparian municipalities, through which life and sustenance circulate widely here and abroad have been pushed back, by an arrangement whereby the municipalities in the two districts are jointly to be allowed one seat only.

The important municipalities of the 24-Parganas have been joined to municipalities of Nadia and of distant Murshidabad, Jessore and Khulna to provide two seats only for the combined constituency so that the area will be such as to make it most difficult for a candidate to look after and serve.

Under the Montagu system the City of Dacca had one seat. But it is now seriously suggested that all the municipalities of the Dacca, Mymensingh and Faridpur districts should send one representative only. This is not fair to Dacca.

The municipalities of the Bakarganj, Tippera, Noakhali and Chittagong districts have been grouped together to form one constituency with one seat.

I would strongly urge that the smaller municipal towns should be grouped together with neighbouring rural areas instead of being grouped together with other municipalities in distant districts with which they may have little in common.

The seats should be divided according to areas which hold together by reason of proximity and by common bonds and needs. Regarding women's seats, there should be no constituencies consisting of women only. Representatives of women, wherever their seats may be assigned, should be returned by joint constituencies of men and women.

My remarks relate to the general seats only. I am unable within the time allotted to me to refer to the constituencies for special seats. But I have no doubt that question will be fully dealt with by others.

Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, the proposals of the Government of Bengal on the delimitation of constituencies for our future Parliament have been placed before us. These give us a fair idea of the coming events and thicken the gloom of despair that have been the principal feature of our political prospects for the last three or four years. The Report of the Provincial Advisory Committee on which the Government proposals are necessarily based, is conditioned by the Communal Award, the Poona Pact and the White Paper. On the floor of this House we had many occasions to condemn the iniquitous nature of these proposals of the Government, and I think

it would not be fair to blame the Committee on these grounds over which they had no control. But how far are these proposals to be accepted as a satisfactory organisation of the basis of political power in the province?

Sir, firstly, I would accord my general approval to the Committee's realisation that rural interests should receive proportionate representation in the Legislature. In the present Council out of 46 elected non-Muhammadan seats, only 11 are allotted to rural areas. This means that the ratio of urban seats to rural seats is 24 per cent. when only 6 per cent. of our population lives in the towns. In the Reformed Legislature the Government propose to allot 11 seats to urban areas out of 78 general seats in the Bengal Legislative Assembly. This works out at roughly 14 per cent. representation of urban interests, certainly an improvement upon the existing state of affairs. Then, again, as regards the actual delimitation of urban constituencies I do not like that the major municipal areas should be grouped together with the minor areas. I would be more specific and say that the municipalities of Howrah and Dacca should each have been allotted one representative for the Bengal Legislative Assembly.

Secondly, Sir, I take up the question of the Provincial Upper Chamber. When this question was being considered by this House we stressed the point that if a Second Chamber was at all to be constituted it must not work out the usual communal proportions and must be differently constituted than Lower House. But that was not to be. In the White Paper proposals there are the same "General Seats," Muhammadan seats and the European seats along with the solemn declaration that the communal balance as arrived at in the Award must not be jeopardised at any cost. It was forgotten that if the "communal balance" was maintained in the manner it was proposed to be, the constitutional balance was sure to have been lost altogether. I find that the Constitution of Bengal Second Chamber is a mere replica of the Lower House and does not most certainly represent an attempt to provide a constitutional balance.

Thirdly, Sir, it is indeed distressing to find that although 19 seats have been allotted to "commercial interests," here again communal considerations have been introduced and made to prevail. First, there is the European community which has been allotted the lion's share—14 out of 19 seats. Of the five that remains for poor Indians, the Delimitation Committee proceeded to allot as follows:—

Bengal National Chamber	... 2
Bengal Mahajan Sabha	... 1
The Marwari Association	... 1
The Muslim Chamber of Commerce	... 1

I must confess at the outset that the general scheme of things under the head representation of trade and commerce has been vitiated by the existence of denominational chambers of commerce. So long as a European, Muslim or a Marwari are accustomed to think in terms of his sectarian interests there cannot be any escape from the fact that even the representation of trade and commercial interests must be communal in spirit and intent. The Indian Franchise Committee realised the importance of functional representation and the necessity of special provision for the presence in legislative bodies of business and economic experts. "While general constituencies," remarks the Franchise Committee, "may not infrequently return individuals whose knowledge and experience is such that they can make contributions of value in discussions on commercial and industrial questions, those members speak primarily as representatives of their general constituencies, and they may on occasion find that the claims of that constituency are difficult to reconcile with a wholly dispassionate examination of particular economic issues." Sir, I would ask you to mark the words—"dispassionate examination of particular economic issues." This is undoubtedly the only cogent reason for the representation of commercial interests. I would however ask: How far are chambers of commerce, constituted on communal grounds, best fitted to return candidates to the Legislature who would be able to undertake "dispassionate" examination of economic issues? I do not see why in the case of commercial representation as well, there is to be reservation of seats. Let these 19 seats be thrown open to all *bona fide* businessmen, traders and industrialists and let elections be held on the basis of joint-electorate. If the different chambers fail to agree about the method of electing their representatives, let some other basis be found for securing the representation of commercial interests. The Committee have actually suggested a different experiment in the case of the landholders. They have refused to recognise the landholders' associations as basis of elections and instead divided their representations on the basis of special constituencies spread throughout Bengal. I wish the Committee suggested this alternative for the commercial interests as well so as to get away from the communal character of the different chambers.

It is indeed unfortunate that the Delimitation Committee could not escape from this vicious principle and actually recognised the Moslem Chamber of Commerce—an institution started overnight and representing a preponderence of non-Bengali commercial interests—against the claims of other old and well-established commercial bodies. The Muslim Chamber is frankly political in character, out to secure Muslim representation in the Legislature. I would like to say that the representation accorded to them is objectionable even on the basis of the Communal Award, which is the sheet-anchor of Government policy in this regard. It may indeed be legitimately urged that the Government

of Bengal by suggesting to increase one Muslim seat through the Moslem Chamber of Commerce have violated the terms of the Communal Award and the balance of communities suggested therein.

It is somewhat refreshing to find that the Bengal Mahajan Sabha which represents the rural trading and banking interests has been allotted one seat. As regards the Bengal National Chamber of Commerce, while I am glad that its importance has been recognised by the Committee by the allotment of two seats out of five, I must at the same time confess that the representation accorded is indeed meagre compared with the 14 seats allotted to European commercial interests. The Bengal National Chamber has been playing a very useful part for more than half a century and its usefulness will undoubtedly grow with the growth of new business spirit and enterprise amongst the children of the soil. At any rate I do not see how the importance and the usefulness of the Bengal National Chamber of Commerce are less than those of the European Chamber in this province. It is to be regretted that the indigenous interests should get only five seats out of 19 allotted to commerce and industry.

Sir, the Delimitation Committee have, as I have already said, made the best of a bad job. I frankly realise that they could not do better in the vicious atmosphere created by the new Constitutional proposals. It is indeed unique in constitutional history that a majority community has been granted statutory majority of members elected from special communal constituencies. The Communal Award, the Poona Pact and the White Paper necessarily condition the proposals of the delimitation of constituencies. The Provincial Franchise Committee's task was, therefore, in a sense easy; they are also lucky enough to contend that theirs is a mere elaboration of the principles involved in His Majesty's Constitutional Proposals. It is not fair to condemn them for the iniquities which are not theirs.

Revd. B. A. NAG: I am sorry to say that the Delimitation Committee has done a very grave injustice to our community by their decision as to our constituencies. It probably was not unnatural for them, for although every community statutorily recognised in this Council was represented in that Committee, this poor Indian Christian community which has a statutory right to be represented in this Council was not represented there. Government was approached in the matter and Government told us the Sikhs are claiming seats, the Buddhists are claiming seats on the Committee, and we feel therefore that Indian Christians need not have a seat. Whether that was right or fair or just, I leave you, Sir, to judge. I said this to a friend who said that "in India, in Bengal, where even gods have to be awakened by beat of drums, calls and cymbals, do you expect that the gods of

Darjeeling could be awakened without making a noise? You Indian Christians do not make a noise, therefore you are not recognised at all." Sir, I shall be sorry to be driven to learn that lesson, but it seems to me I am on a fair way to do it. I crave, therefore, your patience and indulgence for a minute as I relate the story of our woes and miseries. The Indian Christians in Bengal have consistently for many years pleaded for joint electorate, that is a question of the past now. But the Prime Minister has made the Communal Award, and in these words he has said—"the election to seats allotted to Indian Christians will be by voters voting in separate communal electorates. It seems, Sir, almost certain that practical difficulties will arise except possibly in Madras, prevent the formation of Indian Christian constituencies covering the whole area of the province, and that accordingly special Indian Christian constituencies will have to be formed only in one or two selected areas in the Province. Indian Christian voters in these areas will not vote in a general constituency. Indian Christian voters outside these areas will vote in a general constituency". English is not my mother tongue, but still the words of the Prime Minister gave us great hope that the Delimitation Committee will give us certain workable areas and leave the rest of the country to general electorates. But they have tried to rope in as many Christians as possible into these two constituencies, namely Calcutta-cum-Presidency Division, that is one constituency, and Dacca Division, that is another constituency. The whole of Bengal is only 77 thousand square miles, and we have been given, this poor community so well known as a poor community, we have been given to work 32 thousand square miles. Sixteen thousand in each case. Just think of it, how can we do it? Not only that, Sir, it is very well known I think to all our Indian friends, and I am sure to the official members also, though I have found doubtful people who think that the Indian Christians congregate in the cities only, that they are scattered over the villages in each district. Indeed, Sir, if you take Calcutta-cum-Presidency Division, what are we expected to work? In 24-Parganas, we have 245 villages scattered; in Nadia we have 54 scattered villages to work; in Murshidabad we have 11 villages; in Jessore 9, in Khulna 66, and if you take the wards as villages included in Calcutta, 25; total 410 villages including the 25 wards of Calcutta scattered over 16,000 square miles. If you want to have some idea as to how scattered they are you can find it from the fact that in 24-Parganas we have 148 schools. I mention these schools to impress upon you the areas of these schools. We do not start schools unnecessarily; 148 schools in 24-Parganas, 49 in Nadia, 6 in Murshidabad, 7 in Jessore and 16 in Khulna; altogether 226 schools. I am afraid that you cannot have very much less than 226 polling stations in Calcutta-cum-Presidency Division. But to make a very wide allowance, if you divide this number of schools by half even then it is 113; my friend says 113 polling stations, but according to my arithmetic it becomes

226 because there is to be a polling station for men and another polling station for women. Hindu women will not go to the polling station for men, our women will have to go with them. Therefore we have to work 226. Mr. Gilchrist says women will go to the same polling station with men—even then the number of polling stations will be 116. These figures 113 about the schools and villages have been taken from the Protestant Missionary Census (printed). That means that the Roman Catholics have been altogether excluded from my figures, and if they come in, as they must come in, the number will be still larger. The Delimitation Committee has asked us to work this. I say it is impossible except for rich men. I may also tell you that a rich man has considered this the great chance of his life and he has gathered together a few youngsters and has been writing to Government that we accept the Delimitation Committee's conclusions; and I understand that someone on behalf of that body of youngsters has written to Government that in a largely attended public meeting they decided to accept the recommendation of the Delimitation Committee. How largely attended that meeting was will be evident by the voting 17 against 12 and he has written to say that I was a consenting party to it!! It is a chance only for the rich, for the poor cannot work it.

I have explained to you the position in the Presidency Division. In the Dacca Division it is just the same. In Dacca Division—Dacca Protestants 6 villages, Mymensingh 126 villages, Faridpur 5 villages and Bakarganj 62 villages—199 scattered villages with 125 Protestant schools; double that number for the Catholics are much larger in number in Eastern Bengal that in West Bengal. It becomes absolutely impossible for this poor Christian body to work this large area. We ourselves do not want that the Indian Christian representatives in the Council should be elected by all the Christians. We have the spirit of joint electorate. We want to go into the general election, but since the Prime Minister has made it impossible and has made the Communal Award absolutely compulsory, we should be given two workable areas and the rest left for general constituencies. I therefore say when the Delimitation Committee roped in almost all the Christians in these two divisions, they have shown greater love for us, as the Bengali proverb says, than our own mother. I hope they will reconsider it. I go further. You know, Sir, that the Prime Minister gave the Indian Christians only two seats in the Council whereas our brethren the Anglo-Indians have got four. We are 129,000 and they are only 27,000. We did not raise any opposition because we were full of the spirit of joint electorate. We said and I myself said to Government, and even to His Excellency, that we will remain satisfied with two, because our two may become 20 through general constituencies. For I feel sure Hindus will elect self sacrificing Indian Christians. In any case even if we cannot immediately send more than

two representatives, if the large districts having Christians are left out of the Communal Award we will control the Hindu representatives. For instance, in Nadia they will come and say to a Hindu candidate—We are here say 12,000 strong; we will all vote for you, if you do this or that for the Indian Christians, but if you do not, we will vote for another. We will thus be influencing a larger number of representatives in the Council. To-day the Delimitation Committee have deprived us of all such help, for there are no places where there are many voters. Indeed the Rajshahi, Burdwan and Chittagong Divisions have been left out, but those divisions, as is well known, contain converts from aboriginal tribes, and therefore are not expected to be a body to influence the representatives. Then again you know that our women by their early education, when women of this country never thought of it, controlled the education of Bengal. They were the principals of the colleges and head-mistresses of schools, even to-day not only of Christian schools, but such as Brahmo Girls' School, the Gokhale Memorial School, and the Bethune College have mostly been principalled by Christian ladies. There has been no representation granted to the ladies of our community. Even to that we agreed because we thought that large parts of our community would have to live outside the communal electorate. Therefore our ladies will come through the general electorate. The Delimitation Committee has deprived our women of any such right. If in your judgment you think it is fair, I am sure you will not think it so: I hope somehow or other Government will see that these defects are remedied.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, at the outset I must say that within the short time at my disposal I do not think it would be possible for me to deal with all the allotments of seats as recommended by the Delimitation Committee. So I will confine my remarks to the Dacca City general seats, Labour and Commerce, and women seats.

Sir, I represent the City of Dacca. Personally I do not count, but certainly the City of Dacca counts. Sir, you will pardon me if I say that the Delimitation Committee has treated the City of Dacca with utmost apathy, indifference, cold neglect, and in a most niggardly manner. I for one cannot account for the reason of it.

Has the new Reforms any grudge against the City of Dacca? If not, why is the City of Dacca robbed of the seat it possessed during the Montagu-Chelmsford Reforms? Everybody knows that Dacca is an ancient and historic city; it claims of a past, which even Calcutta cannot; the old Jahangirnagar still preserves its ancient glory and eminence in education, culture, commerce, banking and indigenous industries. Not only Dacca was the capital of Bengal in the palmy

days of the great Mogul administration, it was the capital of Eastern Bengal and Assam up to 1912 and in every respect it comes next to Calcutta only.

Now, Sir, my simple question is: Why is this second great city of the province deprived of the privilege of one seat which it already possessed? His Excellency the Governor makes an annual visit to this city, as the Viceroy makes an annual visit to Calcutta, so does our Governor live there for some days in the year. Many of the departments, I mean Agriculture, etc., have their permanent seats at Dacca. Such being the case, I ask in all seriousness why do you deprive the City of Dacca of its one seat? I do not smell any political wisdom in thus shutting out Dacca on its own merit, and grouping it with other far less important units like Faridpur and Mymensingh; they are not cities but municipal towns; they can be grouped with other areas without any injustice being done to anybody. Sir, it is not for me to submit a new scheme for representation, but I hope I shall not be misunderstood if I make some suggestions for a new and what seems to me a better arrangement under the present circumstances.

I propose that municipalities of Faridpur and Mymensingh be merged to rural constituencies of those localities without suffering any loss in the matter of representation as has been adopted in allocating Muhammadan seat of Dacca City *minus* Narayanganj Municipality.

As regards women seats, Sir, I am in full agreement with the minute of dissent recorded by Mrs. P. K. Bose, the only woman member who sat in the Committee. Women should be allowed to contest in all the constituencies and that sex ought not to be a bar to them. If this principle is not adopted—I hope not—then qualified and capable women living outside the Cities of Calcutta and Dacca will have a just grievance against their City sisters. Sir, politically-minded women do not always live in big cities; a woman in the city can come to politics for more reasons than one, but the politically-minded women of mufassal towns are rather serious in their service to the country, and it will be an immense and irreparable loss if we shut them out of this House. Sir, there is some doubt somewhere, that it would not be possible for women to contest in ordinary constituencies. Personally, I do not appreciate this overzealous and protective theory regarding women. Politically-minded women are expected to get rid of the shyness of the purdah-women, but if it becomes so necessary the women can vote by postal ballot for some time to come. The women's constituencies should be one for West Bengal and the other for East and North Bengal.

Sir, so far as Labour representation is concerned, I confess I cannot praise the decision of the Committee for the very simple reason that it has granted no seat whatsoever to East Bengal.

Sir, is it because East Bengal is alleged to have no Labour Unions? May I ask what is the criterion of the Labour Union? Is strike one of those symptoms? If not, then what is it? I do not admit that East Bengal has no Labour Union. The constitution and functions of the Labour Unions of East Bengal may differ from those of other unions situated in other places; this is the only difference. Therefore, Sir, it is not true to say that East Bengal has no Labour Union. This indigenous labour must be allowed to make its voice heard, and if the coming Reform is really an advance upon what we now possess, then certainly it cannot face the voice of labour with deaf ears, nor can it afford to either ignore or neglect the voice of labour where it already exists. Sir, I submit that the voice of labour does exist in East Bengal. Sir, the omission of the Committee to take into consideration East Bengal labour has surprised me to a degree. Sir, 80 per cent. of the jute trade of Bengal is carried on in East Bengal including North Bengal; where is all this labour gone? Sir, in recent times we are getting Mills, Cotton and Sugar both. Now the Mills of East Bengal have labour of their own. They are not a negligible quantity, and they are indigenous labour too. Can you shut them out? Inland and seagoing vessels are manned cent. per cent. by labour from Chittagong, Noakhali and Dacca. Can you treat them with the insult you have done? To ignore them is to insult them politically. I propose that Barrackpore be tacked to Calcutta and one labour seat thus released be allotted for East Bengal to form a separate labour constituency there.

Sir, in the discussion of this topic, two most unpleasant things come up on the surface, viz., one is communalism and the other is provincialism. We deprecate both of them from start to finish. We do not want a Muslim Chamber of Commerce because we do not want communalism, but certainly we invite one and all Muslim representation through non-communal bodies such as the Bengal Mahajan Sabha and the Bengal National Chamber of Commerce. There is absolutely no bar superimposed by these bodies against our Muslim brethren. Why do they bring in religion in commerce? Can't they work with the Hindus in the matter of Bengal's commerce? Are they not, too, Bengalees? Sir, for these reasons I am for the abolition of the Muslim Chamber's seat. Sir, I am also for the abolition of the Marwari Chamber's seat because I deprecate provincialism. I ask our Marwari brethren the same question. Can't you co-operate with us as Bengal's merchants? You carry on your trade in Bengal. You deal with Bengali *paikars*. Most of you have landed and other interests in Bengal with Bengalees, so why should you organise under a separate body? There stands nothing in your way to swell the Bengal Mahajan Sabha or the Bengal National Chamber of Commerce. So I find no justification to have a separate seat for an exclusive Marwari Association in Bengal which you do not possess either in Bombay or in

Madras for the matter of that in any other province of India. With these observations I resume my seat.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I do not mean any disrespect to the Provincial Advisory Committee on the Delimitation of Constituencies and to the Government of Bengal when I say that their proposals are not absolutely flawless and above criticism. The absence of any definite principle is responsible for this unsatisfactory distribution of seats. The Committee have overlooked some vital points, some incontrovertible facts, which should have been taken into consideration in framing their recommendations.

Sir, I am not one of those who are loud in demanding more seats for urban areas. I have been hearing complaints about reduction in the number of urban seats, but very few have grasped the truth that the urban unit of the population in our province which is comparatively small is not independent and centred in the towns: it has an intimate relation with rural areas. We have no urban outlook in disregard of rural influence: we may dwell in towns, but we live in villages; we may have our avocations in towns, but we observe social rites and customs as they obtain in villages. In fact, very few of us have independent urban existence unhampered by rural influence. That is the chief reason which is responsible for the belief that our nation lives in villages. Only 6 per cent. of the people lives in towns, and even in respect of this 6 per cent. very many have a rural bias, and looked at from this standpoint, any definite demarcation of urban and rural areas carries little meaning, and less sense. Under the present Constitution, urban areas have got an inordinate dose of weightage in respect of seats. Out of 46 elected non-Muhammadan members, 11 are returned from urban areas: the ratio of urban seats to rural ones works out at 24 per cent. In the forthcoming Reformed Constitution, Government propose to set apart 11 urban seats out of 78 general seats: the ratio of urban seats to rural seats is thus 14 per cent. This legitimate increase in the number of rural seats has my heartiest approval, and this is only fair when the pace of political progress among the rural population has been accelerated by the working of the existing Reforms and other national movements in the country.

Sir, as one hailing from Dacca, I naturally feel the clumsiness of this arrangement when I find that the municipalities in the districts of Dacca, Mymensingh and Faridpur have been allotted one seat. Such a haphazard classification of urban areas is not entitled to public support. Dacca is the second capital of Bengal and has been enjoying exclusive representation on the Provincial Legislature for the last fifteen years. Her importance cannot be minimised and as the headquarters of an important Division, she can legitimately claim one seat

alone. I, therefore, urge with all the emphasis I can command, that the municipality of Dacca should be treated as a separate, independent unit deserving representation in the Bengal Legislative Assembly of the future.

Sir, in the matter of delimitation of landholders' constituencies, I have one important statement to make; the delimitation of constituencies for general seats has been proposed generally on the basis of population, but in regard to the landholders' constituencies, the number of landholders or of electors has been ignored in favour of Administrative Divisions. Though Dacca Division has the largest number of landholders, it has not been allotted more than one seat. The Dacca Division has been allocated a less number of general seats because the "General" population does not predominate there; but this Division has got the same number of landholders' seats as in each of the other Divisions in spite of the fact that it has the largest number of landholders. Dacca Division has got no "Labour" seats though in the district of Dacca alone there are three Cotton Mills, two Sugar Mills and a number of factories. It is only in respect of women's seats that the importance of Dacca has been recognised.

Sir, if I leave aside my sentiments and my local patriotism for the time being, I do also find that my community has not been fairly treated in regard to Trade and Commerce. It is the definite creed of the Government of India Act, of which the Premier's Communal Decision is the sheet-anchor in the matter of composition of Legislatures, that no communal bias will be recognised in "Special Interests." But in the representation of Indian Trade and Commerce, the allotment of one seat to the Muslim Chamber of Commerce, a distinctly communal organisation, which sprang into existence after the publication of the Award, cuts across the fundamental principles of the Government of India Act. It disturbs the balance of communities set up under the terms of the Communal Award in the Legislature: it thus upsets the Award in a direct way. By this single recommendation, the Government of Bengal have laid themselves open to serious criticism and it is a constitutional sin on the part of any civilised Government to give preference to the majority community under any pretence whatsoever in utter disregard of the interests of the minority community. But I must hold my soul in patience because it is too much to expect constitutional purity on communal questions in these days from those in whose hands lies our political destiny. I have looked in vain for instances in the constitutional history of any part of the globe where a majority community has been given statutory weightage and reservation of seats, as proposed in the Award, and I am all the more amazed to find that not satisfied with that arrangement Government propose to allot one more seat to the majority community through a special constituency in contravention of all sacred cannons of political

science. Sir, it is quite obvious that the terms of the Premier's Communal Decision have been upset by the introduction of a communal bias in the representation of special interests.

Sir, I hope I shall not be misunderstood by my Moslem friends when I criticise the inequity perpetrated on their Hindu brethren. If they take a dispassionate view of things, they will, I am sure, be convinced of the reasonableness of my contention. I do not object to the recognition of the Muslim Chamber of Commerce on the ground that such recognition has given the Moslems an additional seat. My objection is fundamental. I would oppose a Hindu Chamber of Commerce as much as I object to a separate Chamber of Commerce for the Moslem community. I am definitely against communal representation in matters of Trade and Commerce on account of the dangerous principle which it seeks to introduce. Commerce is for all and sundry. I fail to comprehend how Moslem interests suffer in the existing commercial organisations. In all the Commercial Associations, such as the Bengal National Chamber of Commerce, the Bengal Mahajan Sabha, etc., Moslems are fairly represented. It appears from the evidence on record of the witnesses examined by the Provincial Advisory Committee that the business done by the Moslems amounted to 18 crores of rupees. If that be the position, then it cannot be said that their interests have suffered in any way. No case, therefore, has been made out in favour of their special representation through commerce.

I cannot conclude without making a passing reference to the injustice done to the Bengal Mahajan Sabha. It is the only organisation in this province representing Inland Trading and Rural Banking interests of the sons of the soil and can legitimately claim two seats out of the five allotted to Indian Trade and Commerce.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I am very grateful to Government for giving us the opportunity to express our opinion on the allotment of seats which has been proposed by the Advisory Committee the report of which is now under discussion. True it is that the matter is very difficult for any Committee to dispose of to the satisfaction of every party. But if an attempt had really been made to follow the accepted principles, the question could have been solved without any difficulty. The first principle that has been ignored by this Committee is the principle of weightage for the minority community. This principle had been accepted by the Round Table Conference and if it was followed by our Committee, then I would have had no grievance at all. It is a fact known to everybody that Bihar with a population of 8 per cent. of Moslems has been given 25 per cent. of the seats in the Assembly on the ground that the minority community should have an effective representation in the Council and why Mussalmans forming minority community in several districts are denied weightage from their own community seats in Bengal.

Mr. PRESIDENT: Why should you go into that?

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I am coming to my point.

Mr. PRESIDENT: It may be your grievance, but it was not within the competence of the Delimitation Committee.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, the Delimitation Committee came into existence to work out the principles accepted by the Round Table Conference. If our Committee in pursuance of the principle fixed seats in all those places where the Muhammadans are in the minority, and gave weightage there would not have been much difficulty of adjustment. Sir, I would like to mention the case of Jalpaiguri. As you, Sir, take a keen interest in the debate, I would be able to convince you rather than the Hon'ble Member in charge who is in power. As a constituency Jalpaiguri has been added to Darjeeling to form one constituency, with an area of 4,100 square miles, probably the largest area for any constituency for Muhammadans. In other districts I find that the largest constituency has an area of probably 500 square miles only.

Now, Sir, I would refer to the Report of the Delimitation Committee. The Committee accepted certain principles for working out the allotment of seats. The first principle that they accepted in their Report is that every district should be considered as a unit and at least one seat should be given to each district. That is the first principle that they accepted. Then we find that they thought that the district of Bankura was not entitled to one seat on the basis of population, but they decided that a seat should be given to this district by reducing the quota of the Rangpur district from eight to seven. The population of Bankura is about 50,000. So on the above grounds one seat was provided for Bankura district. I do not see that any wrong has been done by giving a special seat to Bankura. It may be numerically weaker, and that is the very reason why it should be given this special concession. The question now is where is the seat to come from? That is a question of detail. Once the principle is accepted that every district should be allotted one seat, they could have pursued the allotment on that basis further.

Then, Sir, we find that by a majority of 7 to 3 the Committee came to the conclusion that the districts of Burdwan and Midnapore should be given one more seat each on the ground that, although the population in these districts did not justify the extra seat, the districts were large in area and the population was widely scattered. Let us now look at the area of these two districts. Burdwan has an area of 2,700 square miles, Midnapore 5,245 square miles. So Burdwan has been

taken as a district which is too large in area and the population has been considered to be widely scattered. When I read this report——

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, on a point of order, may I submit that the discussion is on the Report of the Government and not on the Report of the Advisory Committee?

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I submit that here we are concerned with the Report of the Delimitation Committee and the Report of that Committee is under discussion.

Mr. PRESIDENT: But Nawab Sahib, what are your own conclusions?

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, my conclusion is that if Burdwan with an area of 2,700 square miles has been considered to be a very large one, Jalpaiguri with an area of 3,100 square miles has not been considered as such and has not been allowed a seat. I submit, Sir, that on the ground I have mentioned there is no reason why we should not get two seats. If our area is larger, why another district with an area of 2,000 square miles added to it? These require some consideration by the impartial tribunal that will come here as a representative Committee of Parliament. I hope that Committee would look into this enormity that has been perpetrated to my district and will try to give us at least two seats. I find, Sir, that Dacca has been given 11 seats! Dacca urban Muhammadans have been given one seat, the Dacca women have been granted a seat, and Dacca rural has been given nine seats. You will find that that small district which is cut up by rivers has been fortunate in getting 11 seats out of all proportion.

(The Council was then adjourned for 15 minutes.)

(After Adjournment.)

Nawab MUSHARRUF HOSAIN, Khan Bahadur. I was in possession of the House when the House adjourned for prayer. I have just got one minute to finish. I have tried to show the first principle which has been accepted by the Round Table Conference, and as a result of which Parliament has now appointed the Delimitation Committee to dispose of all these matters, that principle that minorities wherever they are ought to have weightage, but alas! This has been ignored by the Delimitation Committee. This principle should be worked out in detail, when the Parliamentary Committee comes and decides the matter. That is number one. Then——

(At this stage the member having reached the time-limit, had to resume his seat.)

Haji [illegible]ADI AHMED CHOWDHURY spoke in Bengali. The following is an English translation of his speech:—

Sir, I beg to say a few words about the Report of the Provincial Advisory Committee on Delimitation of Constituencies in Bengal.

At pages 4, 8, 9, 10 and 20 of the Report it is noticed that the seats in the general, reserved, non-reserved, mercantile and European constituencies have been so arranged that each member of these constituencies will have two, three, four and more votes at their disposal. Thus, for instance, the Bengal Chamber of Commerce has been awarded seven seats and its members will have in consequence seven votes each. This arrangement has an obvious merit of its own. Each member having seven votes to cast may at the request of friends and acquaintances and under other extraneous influences give one or two votes in favour of his friends and interested persons. But with the rest he is quite free to elect the right sort of men who actually deserve to be returned to the Legislature. Unfortunately, the Muhammadan constituencies, formed as they have been, wofully lack this advantage. For 117 Moslem seats in the coming Legislature there have been set up as many separate constituencies, with the result that each voter in each Muhammadan constituency will be entitled to only one vote. The defect of this arrangement is that it does not assure of the success of the most deserving candidate. For, the constituencies being too small, in some cases only two police-stations suffice for the jurisdiction of a constituency, and the voters having only one vote each, the most influential man whether educated or uneducated, really deserving or not, with the largest number of friends, relatives and acquaintances among the voters has the greatest chance of success. On account of the extremely limited number of their votes, the voters will not find any opportunity to elect the most deserving candidate if he happens to be outside the narrow circle of the most influential one. The real leader of men may therefore be completely ousted. If this arrangement is maintained in the case of Muhammadan constituencies the elections to the Provincial Legislature will produce the same result as they have in the case of local boards, etc. I would, therefore, like to suggest that the jurisdiction of each Muhammadan constituency should extend as far as the boundary limits of each subdivision. Of course, a large subdivision may be split up into two such constituencies. The number of seats to each constituency should be assigned on the population basis.

Next, the women's constituency for the election of female candidates to the Reformed Council has been restricted to the Dacca and Narayangunj municipal areas alone. In my opinion the Chittagong town is much larger than the Narayangunj town and has as many as three High English Schools exclusively for the girls. The female population of Chittagong and the percentage of the educated in it are far greater than

those of Narayanganj. Chittagong is also the divisional headquarters. The Chittagong Municipality should therefore be substituted for the Narayanganj Municipality and the women's constituency should be represented by the headquarters districts of Chittagong and Dacca Divisions.

From the Report it appears that the Moslem population of Chittagong is 1,326,208. But only five members are to be selected from among them.

Within the municipal area of 24-Parganas, Dacca, Hooghly, Howrah, Barrackpore and Bankura there are less than one lakh of Moslem elements in the population. But one seat has been assigned to each one of them. Under the present Amendment of the Municipal Act, Chittagong Municipality has been placed in the first rank along with the Howrah and Dacca Municipalities. The Moslem population of Chittagong far exceeds the Moslem population of those municipalities. It is for these reasons that I consider it meet and proper to assign one seat to Moslems within the Chittagong municipal area. It is quite in the fitness of things that Chittagong Moslems should have six seats in the Provincial Legislature instead of five only. The reason why only five seats have been allotted to the Moslems of Chittagong is that no member from Chittagong Division has been taken on the Advisory Committee and the opinion of the people of Chittagong was not consulted before making this allocation of seats.

I hope the attention of the Committee will be drawn to these proposals of mine.

Dr. NARESH CHANDRA SEN GUPTA: I have often wondered, looking at the statue of Mr. Edwin Montagu on the side of the Council House, why the artist has given him that sad and despondent look. Looking at the Delimitation Committee's Report and the Government's proposal which is the coping stone of the Reforms proposals of the Government, I imagine that the artist was in a prophetic mood and had visualised things which are now happening, and had put that air of repentance on him on that account.

The question as to the allocation of seats in the different constituencies does not interest me very much, for, by my upbringing I have had no opportunity for a growth in me of parochial and sectarian feelings. I would have been quite content with any distribution of seats so long as there was a fair representation of the people, for I look upon the whole province as my land, and every community as my own. The Report of the Committee, the Delimitation Committee, is of interest to me solely because it offers an eloquent and illuminating commentary to the brasenfaced hypocrisy which has been holding ground for several years past, as proposals for Constitutional Reforms. The Communal Award made the outline, the Government of India Bill laid the colours

and the Franchise Committee has now filled in the details so that we have now the completed picture before us. To those of my countrymen who were wild with excitement about the Reforms, and to those who wasted valuable years wrangling over petty questions of communal or class advantages, this complete picture ought to be an eye-opener. It enables us to visualise the so-called Representative Council of the future, by which some of our public men have so long laid so much store. The Bengal Assembly of the future as pictured in this Report will be a travesty of a Representative Institution. It would be idle to seek in this scheme for any principle of representation familiar to the students of political science.

A number of new-fangled principles have been worked into this fabric pell-mell, cutting into one another. The Committee was called upon to perform the impossible task of producing a decent Constitution out of these new-fangled and intractable materials. Their job was almost as difficult as that of Alice in playing croquet with the flamingo and the hedgehog. They have thus produced a monstrosity which is neither fish nor flesh nor good red herring. Caste, creed, locality, race, complexion, sex, occupation and even mere accidental association, in fact every conceivable principle upon which people could be divided have been pressed into service. But let no one imagine that any attempt has been made to assess the respective values of these divergent principles. And the number of representatives allotted to any constituency has been absolutely capricious. Let us take Labour; I can understand the Bolshevist, when he says that labour is the only rational basis of franchise, but I fail to understand why manual labour as such should be *one* of the bases for franchise when no other occupation is so. And if labour is to have representation, as our masters command it must, on what principles it would have only eight seats out of 250 passes my comprehension. Out of these eight seats two are to go to Tea and Coal, because they have no registered Trade Unions, and two, to registered Trade Unions because they are registered, leaving to the rest of the labour of the province four seats only, which are appropriated by Hooghly, Howrah, Calcutta and the 24-Parganas.

The Committee have acted judiciously in refraining from giving any reasons for this grotesque conclusion.

Take again the landholders, they have five seats and each of the five divisions must have a seat, irrespective of the question as to the number, the importance and the stake of the landholders of each division. As regards the European seats, the Committee has cut the Gordian Knot by just accepting what the Europeans dictated. Under the cover of the representation of Indian Commercial interest the Committee have awarded five seats to half-a-dozen pocket constituencies who are self-constituted representatives of commerce.

One would have thought that Moslem constituencies which have been the object of the supreme solicitude of the constitution-mongers of the last decade should have been treated on a scientific and intelligible basis, but it is difficult to imagine why the total number of Muhammadan seats instead of being fairly distributed over the population should have been reduced by the allocation of a number of urban seats, not to speak of the brilliant idea of the Committee, not accepted by the Government, to present two extra seats to Midnapore and Burdwan at the cost of Mymensingh and Tippera. The reason for this is obviously to provide a few easy seats for the chosen people.

The most grotesque part of the report perhaps is that confining representation of women to Calcutta and Dacca. Are there no women outside Calcutta and Dacca? Are there not even educated women, politically minded women outside these cities? Everybody knows the answer. Why then have the women of the rest of Bengal been shut out?

Sir, looking at the details of the scheme it is impossible to detect any trace of a rational principle. It is a medley of superlatively empirical conclusions.

Sir, I do not blame the Committee. They could hardly have done better, working on the principles laid down for them. The work of the Committee, however, is valuable inasmuch as it demonstrates the utter absurdity of working out a constitution on the basis of a multitude of heterogenous principles recognised by the Communal Award. The work of the Committee is also valuable from another point of view—it enables us, as I have said, to see the full picture and to realise the true inwardness of the strenuous endeavour for reform that has been going on in England for the past few years. Looking at the scheme of the constituencies now finally worked out, it is easy to see at a glance that while every class or community would have a look in, the great intelligentsia of Bengal who have made India what she is to-day, who have by unremitted endeavours for about a century succeeded in welding a medley of warring nations and communities into an Indian nation, who have shown a most wonderful aptitude for absorbing the latest in the thought of the world and making not inconsiderable contributions to Literature, Science and Art of the world and who incidentally have made themselves a nuisance to the Government by their insistance on becoming a free nation, this intelligentsia is made an outcast and a pariah who will have no chance to get a voice in working the constitution.

Sir, I make bold to say that in the constitution now framed and finally worked out by Delimitation Committee those men, Hindus and Muhammadans and Christians alike, who have created and maintained the political-mindedness of the people will be nowhere. You may take it that the 111 rural Muhammadan seats and the one hillman seat, the thirty seats for depressed classes, not to speak of the 25 European seats will not

be available to politically-minded nationalist Hindus and Muhammadans, and the situation will probably be worse.

Sir, I refuse to believe that this is an accidental consequence of an honest desire to provide adequate representation for all classes. It is the result of a deliberate policy most industriously worked out by the present British Government whose object was not Reform, not Representative Government, but to make it impossible for nationalist India to have a foothold at the Councils of the Empire. This means that the political progress of Bengal will be retarded and possibly come to a dead-stop for years to come. It means that classes to whom politics has been so far a matter of indifference will have to learn it by years of endeavour before Indian nationalism again disturbs the tranquillity of the British Raj.

But I feel sure, Sir, that even this device will not answer for all time, that the message of nationalism will go forth and very soon permeate the lives of the very classes whom the Government have thought fit to advance, in the confidence in their backwardness; and a day will come, sooner rather than later, when the trumpet voice of nationalism will be heard from the many mouths of the monster which has been thrust upon us and then the demands of the people will be far more difficult to resist than the Government have found now. In that hope and in the fullest confidence in the ultimate good sense and the solid worth of my countrymen, Hindu, Moslem and Christian, rich, poor and middle-class, capitalists and labourer alike, I shall yet look forward for a brilliant future for our countrymen.

Rai Bahadur SARAT CHANDRA BAL: Sir, we have got the Memorandum issued by the Bengal Government which contains the proposals for the delimitation of constituencies for the two Chambers of the Bengal Legislature under the Reformed Constitution.

Sir, I wish to confine my criticisms to distribution of general seats including scheduled caste seats both of the Bengal Legislative Assembly and the Bengal Legislative Council under the Reformed Constitution. I think in formulating these proposals the Local Government have been directly assisted by the Provincial Advisory Committee. From a general study of the Report —and a careful examination of the distribution of seats—we find that everywhere Calcutta has been given a lion's share. In the first place, the Government has taken a bold step in solving its problem of ratio of urban to rural seats against the intention of the Report of the Indian Franchise Committee and in place of nine seats 11 seats have been allocated to urban areas. I do not question this, rather I support this as I did in my note to the Advisory Committee. I am also glad to find that the Government also agree with the Committee that the scheduled caste seats should be allocated to rural areas.

Sir, in the distribution of rural general seats the administrative district as under the present constitution has been adopted as the basic area

for distribution. Secondly, the 66 general seats have been distributed on the basis of the general and scheduled caste population.

Sir, the Committee has started with high sounding reasonable principles, but has concluded with little respect for them. Secondly, the principle to have genuine scheduled caste representatives in Legislatures has been ignored. The distribution of urban seats is most unjust, unfair and inequitable. No definite principle has been followed and the inhabitants living in municipal areas outside Calcutta are the worst sufferers. Out of 11 urban seats of the Bengal Legislative Assembly Calcutta with a population of 794,259 has got four seats, whereas urban area outside Calcutta with a population of 1,630,232 has got only seven seats. Not only this, Sir, out of ten seats of the Bengal Legislative Council two seats have been allocated to Calcutta and Calcutta suburbs with a population of 1,603,566 whereas outside Calcutta with a population 20,228,566 has got only eight seats; in short, Calcutta with a population of 812,130 has got one seat, whereas Presidency Division with a population of 4,016,719 has got only one seat.

So, Sir, I submit that general seats of both the Bengal Legislative Council and Legislative Assembly should be distributed strictly on population basis without any special eye upon Calcutta.

Sir, the principle of Communal Award and the Poona Pact has been deliberately ignored. In the Communal Award the depressed classes (now scheduled castes) were given seats with separate electorate in order that the scheduled castes may send their genuine representatives uninfluenced by the caste Hindus. The Communal Award was amended by the Poona Pact. Separate electorate was abolished and panel system was introduced to keep in tact the genuine character of the scheduled caste candidates. But it was not the intention that in every case there must be a panel of four for each seat in primary election. The intention was that if there are more than four candidates then and then only scheduled castes will get a chance to select four candidates who enjoy their confidence and in case they find any undesirable candidate, they will get a chance to drive him away out of the panel. I do not find any justification to hold that in every primary election there must be a panel of four candidates. It is simply a choice left open to the scheduled caste. If they find that their interest is at stake, they may set up four candidates only to drive away the undesirable element.

Sir, if it is held that in every case there must be a panel of four, and if it be the business of the Government to see that there is a panel of four for each seat, then I think the Government will be under the painful duty to set up candidates with deposit-money. If the Government fails to do it and even if the scheduled caste fails to send more than three candidates what will be the result? The election will fail, and with what result. The result will be that a boon will be turned into a curse. Sir, ultimately it is the duty of the scheduled castes to

look to their own rights and interest. Sir, the wording of the Poona Pact may be defective, but if we look to the principle of the Communal Award and interpret the Poona Pact accordingly, we find no difficulty to know the real intention.

Sir, those who are now the friends of the scheduled castes and are very keen to interpret the Poona Pact for them, have got some ultimate motive behind. Sir, failing to set aside the Poona Pact they have changed their platforms. They have left the *maidan* for the office of the Government and they are now explaining the Poona Pact in contravention of the principle embodied in the Communal Award.

Sir, they are trying to put the scheduled castes into unnecessary trouble of double election without giving them a chance if possible to compromise so that in the final election the caste Hindus may in every case have a chance to pick up the last man.

Sir, I think that it will be an act of definite want of political farsightedness in case the Government fails to come forward to save the scheduled castes from this danger.

It is the first attempt of the caste Hindus to force the scheduled castes to submit to their domination. It will directly retard the political advancement of the scheduled castes. I hope the Government will take a special note of this fact and will not make the panel of four for each seat binding. The scheduled caste candidates will also be given the option to withdraw within a reasonable time before the primary and final election actually take place.

Sir, one word more and I wish to finish. It is a matter of sheer injustice to find that the scheduled castes of Bakarganj who are more than 50 per cent. of the total Hindu population are made a minority community and placed under the domination of the caste Hindus. I would suggest that one seat be taken either from Nadia or elsewhere and be allocated to Bakarganj South-West Rural General. If that be not possible the seat allocated to Bakarganj North-East Rural General be transferred to South-West Rural General.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I wish to say a very few words in this connection and that especially to point out how injustice has been done to the City of Calcutta. The previous speaker, Rai Bahadur Sarat Chandra Bal, has astonished many of us by his statement that Calcutta had the lion's share under the new Constitution. I do not know whether he was serious, but perhaps he overlooked what Calcutta had been enjoying since the commencement of the present Reforms. Under the present proposals, two seats, out of the six, which she has been enjoying, are going to be taken away from Calcutta, and if that constitutes the "lion's" share, I do not know what the English language means.

But, apart from what the opinion of a particular gentleman may be, I beg to point out to you, Sir, how serious injustice has been done to Calcutta. I find that the four seats that have been allotted to Calcutta have been divided amongst the 32 wards of the city. The population put down in the Memorandum circulated to us is, on an average, for each constituency about 2 lakhs. On comparing this with Schedule No. 2—urban constituencies—in case of Muhammadan seats what do we find? We find that there are two seats allotted to the Muhammadans in this city—the average population for one being 130,000 and for another 132,000, for yet another 90,000, and so on. Is that taking the lion's share? If 210,545 of the population in wards Nos. 1, 2, 3, 30, 31 and 32 in the Calcutta Municipality get only one seat, is it fair that 90,000 of people in the Municipalities of Howrah and Hooghly should get one seat? Even lower than a municipality, the Dacca district, about which my friend Rai Bahadur Satyendra Kumar Das was so eloquent, for a Muslim population of 74,000 has got only one seat allocated to the Muhammadans. Now, Sir, where is the equity of the distribution? We are now told that Calcutta has enjoyed this for some time past. Let us calculate the proportion now. Out of a Council of 140 seats six seats have hitherto been reserved for Calcutta, but we now find that while the next Council—I mean the Assembly—will have 250 members, the seats for the City of Calcutta have been reduced to four. If that is the lion's share, Sir, I do not know what my friend means.

Then, Sir, I find that in allocating seats to rural areas—I am quoting again from the Memorandum circulated to us—if my friends would kindly turn to page 8 of the Memorandum they will find great discrepancies in the number of population for a seat in the next Assembly. The number of seats for the landlords have been left intact, although it is pretty certain that many of the rural seats will go to them. Why then Calcutta has been deprived of two out of six seats is difficult to understand. Some of my friends here forget that the political history of this province has been mainly created by people who live in the towns, the urban areas and not in the suburbs. I do not grudge the advantage which is going to be given to the rural population, but we should not forget that the question of weightage for Calcutta has got to be considered. Where would Bengal be, without Calcutta and the revenues derived in Calcutta? I do not want to go into details on this question of revenue, but it would be preposterous and idle to suggest that Calcutta is not entitled to some amount of weightage. But in the Government's proposal what do we find? We find that instead of continuing to enjoy what we in Calcutta have been enjoying since 1921—for nearly fourteen years—the city of Calcutta is going to be deprived of two seats. I do not think, Sir, that that is fair, and I agree with Mr. J. N. Basu in his protest in this connection.

Before I sit down, Sir, I would like to say a few words about another matter. I, personally, take some interest in commercial representation in this city. I have some connection with Commerce and Trade, although I happen to be a medical practitioner. I am glad to find that, after the discussions which took place before the Provincial Advisory Committee, Government have been advised to accept the modified proposals of the Committee and do away with outside bodies who want to pose here as representatives of Bengal Trade and Commerce. I think, Sir, it is also a right principle to have commercial representation restricted to people who are above communal interests. It is, therefore, a wrong principle to give such representation to the Muslim Chamber of Commerce which profess to look to Moslem interest only. And I go further, Sir. If it were possible to do away with the representation of the Marwari Association—in spite of my friendship for my Marwari friends I say so—it should be done away with because of the communal nature of their Association. I think a mistake was made in the olden days when the Marwari Association was specifically given a seat. This representation was given on the basis of community and so a mistake was made. Now, instead of eradicating that mistake I find members solemnly sitting in Committee and are going to commit another mistake by giving the Muslim Chamber of Commerce separate communal representation. If it is not too late, Sir, I would appeal to Government not to commit this mistake. If it be too late and not possible to do away with the representation of the Marwari Association, let us stop there and not commit a fresh "double" mistake by adding another communal Chamber of Commerce in the shape of the Muslim Chamber of Commerce in the list. I believe, Sir, that the Bengal National Chamber of Commerce and the Bengal Mahajan Sabha have right to represent Hindus as well as Muhammadans. I believe there can scarcely be any difference between Hindus and Muhammadans in respect of commerce and trade interests. Certainly, Moslem claims should be considered by these bodies. Any other institution, however important and however influential it might be, if based on communal basis should be given the go-bye. These are all the points, Sir, on which I wanted to express my feelings, and I hope that Government will consider them.

Rai Bahadur RAM DEV CHOKHANY: Sir, I shall be very brief. I fully support my friends Mr. Jatindra Nath Basu and Rai Bahadur Dr. Haridhan Dutt in the matter of the importance attached to Calcutta. I find that the rural areas have been given sufficient representation, while the City of Calcutta—an important centre of Trade and Commerce—has been neglected inasmuch as out of the 11 seats at least six should have been given to her, but instead only four seats have been given to Calcutta.

Next, Sir, I find that much fuss has been made regarding the representation granted to the Marwari Association of Calcutta. My friends who have complained about this matter should not forget that this representation has not been granted on communal grounds but on account of the important trading and commercial interests of my community not only in this city but in this province as well. The Marwari Association is purely a Commerce constituency, and as such I hope those of my friends who have complained about the representation given to the Marwari Association will see their mistake and allow us to enjoy this one solitary seat in a House of 250—a representation which we have enjoyed even in a House of 140 only during the last 14 years. Sir, my community is one which has enjoyed the confidence of Government and the public and has never shown any communal inclination: but has always supported the trading and commercial interests of Bengal as a whole.

Maulvi SYED NAUSHER ALI: Mr. President, Sir, we have all listened to the very interesting speech of Dr. Naresh Chandra Sen Gupta, but I must say that he dealt more with the Constitution than with the question of delimitation of constituencies. Sir, I agree with most of what he has said with regard to the constitution itself. I feel with him that a great injustice has been done to Bengal by the introduction of so many conflicting principles and by the division of the people of this province into so many different groups on artificial principles, if indeed they can be called principles at all. The division of the people into Hindus, Muslims, depressed classes, and so forth, has really placed them into so many water-tight compartments that the real interests of the country will not be served at all. But while I have agreed with Dr. Sen Gupta on these points, I cannot agree with him when he says that this division of the people of this province into so many water-tight compartments has been done deliberately and with a sinister motive behind it—by the British Government. It may be that the British Government have some motive in acting in this manner, but, we, the people of Bengal, are mainly responsible for it. (CRIES OF Hear! hear!) If we had not insisted on this communal representation—on the division of the people into Hindus and Muhammadans and the division of the Hindus again into depressed classes and caste Hindus—I do not think that the British Government, or any Government for the matter of that, could have divided us as we have been divided now. (BABU AMULYADHAN RAY: We are responsible.) Sir, we are responsible and I say we are responsible to an extent which cannot be pardoned. There is still time for reconsideration and as soon as the Reforms will be introduced, I think we shall have an opportunity of remedying this defect and bring Bengal to an era of prosperity and wealth, but that is perhaps to a great extent irrelevant so far as the question before us is concerned.

Now, Sir, there is another point that has been raised by some of my friends on the other side of the House. It has been said that the Mussalmans who form a majority have been given statutory weightage—I fail to understand how. So far as that point is concerned, I fail to understand how Mussalmans have got either weightage or majority. I cannot blame anybody for that except the Muhammadans, certainly not the Hindus. The Mussalmans have been rightly served; they have not got their due share according to the population basis, and I repeat that they have been rightly served——

(At this stage the Hon'ble the President left the Chamber, leaving the Deputy President in Chair.)

Mr. K. C. RAY CHOWDHURY: Sir, are we discussing the Communal Award?

Maulvi SYED NAUSHER ALI: The point was raised almost throughout the whole speech of Dr. Sen Gupta and of some other speakers and, consequently, I am perfectly in order in referring to it. As I was saying, the Mussalmans have been reduced to a minority in spite of the fact that they form the majority of the population. They have been rightly served because being the majority population in the province they cried hoarse for having separate electorate for themselves, and I do not know and cannot understand what greater admission of inferiority complex can there be than this. (Hear! hear!) When you admit your inferiority, you cannot claim in the same breath a majority in the House which means a control over the whole province, including Mussalmans and Hindus. It means nothing short of this: that though we are minors and though we want the protection of Government, still we are fit to rule over the whole province and we want to rule over the whole population of the province. This is an absurd proposition which I, for myself, cannot understand. People who have no self-confidence are unfit to rule. I again repeat that if they say that they are fit to rule, let them come forward in the open field. I think that this cry for separate electorate was raised by a number of people about the honesty of some of whom I have great doubt. (Hear! hear!) They knew thoroughly well that it could not be possible for them to come to the Council if they had not this communal electorate established. There are some, of course, who honestly believe that it would be conducive to the interest of their community, though they do not perhaps realise the full significance and implication of their cry. Now, I will come to the point at issue. It had been stated by some Hindu members of the House that they would oppose even a seat for a Hindu Chamber of Commerce and that was the reason why they were opposing a seat for the Moslem Chamber of Commerce. There have also been statements made in the House by some members that they would oppose

the Marwari Association and all associations which are foreign to Bengal being given representation. Now, Sir, two grounds have been advanced against the grant of a seat to the Moslem Chamber of Commerce. The first is that this body is not composed of Bengalees—the members are mostly non-Bengalees who do not speak the Bengali language. I for myself have not been able to appreciate this argument. I have not heard a single word uttered by a single member protesting against the representation of the European Chamber of Commerce. If people from Europe who come over to India for the purpose of exploiting the country, can be given representation, I do not see why my countrymen—people from other parts of Bengal—should be deprived of that privilege. The second argument is that the Moslem Chamber of Commerce is a communal body. No doubt it is; but if the members of this Chamber are all Moslems, and the members of the other Chambers are also all Hindus, *e.g.*, the Marwari Chambers of Commerce. I do not grudge the granting of a seat to the Marwaris. They are Indians, and although they are not the original residents of Bengal they have got a stake in the province and are, therefore, entitled to have some representation in the future Legislative Assembly of Bengal. Similarly, it may be that the members of the Moslem Chamber of Commerce are not the children of the soil—I do not know whether they are domiciled in Bengal—but as they have got a stake in the province they are entitled to have some representation and I think it is right that they have been given representation.

Sir, communal representation unfortunately has been an accepted principle and a settled fact and it is too late in the day to challenge it. If, therefore, there is conflict of interests in other spheres of activity between Hindus and Mussalmans, I do not see why there can be no conflict of interest in the field of commerce. I do not admit of the existence of any conflict of interests between the Hindus and Mussalmans as such. But when you accept that there is such conflict of interests, I do not understand why one cannot conceive of a conflict of interest in the field of commerce also. Therefore, Sir, on the accepted principle there cannot be any question as to the granting of a seat to the Moslem Chamber of Commerce.

Now, Sir, the vehement opposition to the granting of a seat to the Moslem Chamber of Commerce is due to the apprehension—that it might increase the voting strength on the side of the Moslems by one. If I am correct in my conclusion, the mentality lurking behind the speeches is an additional argument in favour of granting a seat to the Moslem Chamber of Commerce.

Sir, I will now offer my observations with regard to delimitation proper of the rural and urban seats. The first thing that struck me on glancing through the recommendations of the Bengal Government,

as also the recommendations of the Provincial Advisory Committee, is that there has been an undue weightage given to the urban population of this presidency.

Sir, it is admitted that according to population Hindu urban seats would be nine in place of 11 and the Moslem urban seats would be four in place of six. It is also admitted that the view of the Lothian Committee was that no weightage should be given to the urban population. It further appears that the Bengal Government made recommendations in their evidence before the Lothian Committee that the weightage should not exceed 12½ per cent. Curiously enough, contrary to the recommendations of the Lothian Committee and contrary to their own recommendations made before that Committee the Bengal Government have now thought fit to give weightage, much in excess of their own recommendations, to the urban population. Sir, I for myself have not been able to understand the reason—except what has been clearly stated by Dr. Sen Gupta, viz., that it will mean an easy access for some favourites to the future Legislative Assembly. I have not had the opportunity of listening to the speech of the Hon'ble the Home Member as I came to the Chamber a little later and I did not hear fully Mr. J. N. Basu's speech, but, as far as I could understand, Mr. Basu's argument reduces itself to this: that the urban population was enjoying the privilege for a long time and it would be unjust and unfair to deny them the privilege now

(At this stage the member having reached the time-limit had to resume his seat.)

Maulvi ABUL KASEM: Sir, my health would not permit me to make any speech at this moment and, above all, I had no intention of taking any part in this debate, but certain speeches, to which I have listened with pleasure and interest and in some cases with amusement, have goaded me to stand up and crave the indulgence of the House for a few minutes.

Sir, in the first place it has been said and it has been remarked I may say—that undue importance has been given to the European Chamber of Commerce, to the Marwari Chamber of Commerce and above all to the negligible and contemptible Moslem Chamber of Commerce. I want to remind the House that whether you admit it or not, the City of Calcutta, the trade of Calcutta, the commerce of Calcutta owes its inception and success in a very large measure to the European commercial people. Their services cannot be ignored. Where would have been Calcutta to-day and its great commercial enterprises, but for the lead given to us by European merchants. Again, Sir, you speak of the Marwari Chamber of Commerce. It is the Marwaris, who are by far the most important section of the Indian commercial people, and what

is more the Marwari Association is a genuine organisation which watches over the interests of Indian commerce. Now, coming to the Moslem Chamber of Commerce I may say that they have contributed not a little to the trade and commerce of Bengal. What we understand by the trade and commerce of Bengal is confined within the limits of Clive Street, Burrabazar and Zachariah Street. This cannot be denied. If we have allowed Europeans, Marwaris, Guzaratis and Muhammadans from Bombay and other parts of India to flourish in this city, it is because we have not taken advantage of the resources of Bengal. We have not worked out and laboured in that field. Where would have been your tea, but for European enterprise? Where would have been your jute, but for the same reason. It is no good dilating on this.

I have just to say a word about Dr. Haridhan Dutt's differentiation of the Government's proposal about the City of Calcutta. I admire the City of Calcutta, but when he spoke of the revenue given to Bengal by Calcutta, I rubbed my eyes. It is a most insignificant share that Calcutta makes to the revenue of Bengal. On a previous occasion I have said what little it contributes, and I can say to-day that Bengal can well thrive without a pice from Calcutta. I want to remind Dr. Haridhan Dutt that the intelligentsia may be in Calcutta, the political progress of Bengal may be due to the intelligentsia of Calcutta. What is more Calcutta and intellectual Bengal have made possible the Reforms and anything else, but I would remind him that it is the rural area and the cultivators in the villages themselves, and the man who labours in the sun and the rain, who is the producer of the wealth, whether it be in the Chamber of Commerce, High Court, Bar Library, or anywhere else. It is due only to the labour of this most neglected people. Government has done right in giving importance to the people who are the producers of the wealth. As I have said on previous occasions, everybody, the pleader, the doctor, the merchant and whatever you call them, like the widowed sister of a Hindu family, do not earn but serve our needs, just as the lawyer, doctor and the merchant are of use. He is not the earning member of the family, but the earning member of the family is the man who passes his days under the sun and in the water in the fields of Bengal—the producer of the wealth.

Sir, another thing is that the Moslem Chamber of Commerce has been a thorn. Of course Marwaris and Europeans were dragged in to give it a non-communal appearance, but the fact is, as Maulvi Nausher Ali has pointed out, the addition of a seat to the Moslem group and Moslem community should be avoided as far as possible. I submit that so far as we are situated at the present moment, even the addition of a seat or two would be no good. We are under such influences and confronted with such devices that anyhow it is not possible for us, as I have said, to rule Bengal. However, that is another question.

One word about Mr. Nausher Ali's differentiation about separate electorates. It looks very well in a copy book. But I say that separate electorate is not of our own seeking. If our fellow-countrymen had been sympathetic enough, and if they had not deliberately decided in organising and tried to put us down and keep us down all the while, then, Sir, an attempt to have a separate electorate would have raised a hue and cry——

Mr. DEPUTY PRESIDENT: Is not the question of separate electorate incidental to the issue?

Maulvi ABUL KASEM: Yes.

Mr. DEPUTY PRESIDENT: Many have said that. I do not want it treated at length.

Maulvi ABUL KASEM: I say this much. Sir, if you then had raised a hue and cry at the little preference given to the Moslems in some public services, and at the same time when you keep absolutely silent when a great blunder is done in the Government, it shows that communal bias is not ours but their own. As I have said before it is not our own seeking but it has been forced upon us by the attitude, the behaviour, the mentality of our countrymen. As I have said before I am not in a position to speak much. I would speak about delimitation. I am not going to worry myself over the seats. You will have preferential seats given to the Eastern Bengal Moslems. They are in larger number in Eastern Bengal, let them have it. But the only thing I submit is that in my poor district Burdwan, which has a large population and larger areas and which pays an abnormal revenue, has been placed in the same position so far as Muhammadans are concerned as our neighbour Bankura, and the small district of Nadia which is a newly-created district perhaps some time before the Treasury Benches joined the Civil Services. What I suggest for the sympathetic consideration of the Government is that some portion of South-Western Burdwan may be added to Bankura and made into a larger constituency so that things may be more equal. I have nothing further to say and it does not matter to me whether it is Western Bengal or Eastern Bengal. Western Bengal so far as the Muhammadans are concerned have, I think, been deservedly treated or treated with contempt by the Committee which has sat. Even such an important place as the much abused City of Calcutta, there also the Muhammadans should have got a little more consideration than Burdwan has. (A VOICE: Certainly.) It has been said that under the Constitution constituencies have been

formed of Hindus and Muhammadans, but nothing has been done for the intelligentsia. They will rule the country. Let them rule it. But, Sir, the Universities have their representations and where will you find more intelligence than the Universities of Calcutta and Dacca?

Mr. ANANDA MOHAN PODDAR: Sir, as the representative of a commercial constituency I feel it my duty to express my views on the distribution of the commercial seats first. There are 19 seats available for Commerce and Industry in Bengal. These seats are to be divided between the European and Indian commercial interests of the province. In dividing these seats the Government of Bengal has not made any recommendations of its own nor did it refer the question to the Provincial Advisory Committee for opinion. His Majesty's Government suggested in the White Paper that the division would be on the following lines, viz., 14 for European interests and five for Indian interests. The Government of Bengal has stated that it is anticipated that 14 will be assigned to the European interests and five to the Indian interests obviously on the suggestion of His Majesty's Government. But in making this division the authorities concerned have thoroughly overlooked the growing importance of the Indian trade and commerce. In fact, it has been urged by all the Indian commercial associations as well as the general public that the Indian trade and commerce should be given proper recognition in the coming Reforms, but it does not seem that proper consideration has been given to that view. The Indian public opinion is definite on this point that the number of seats proposed for Indian commerce is disproportionately small and that in arriving at this number adequate consideration has not been given to the importance of Indian commerce. The Lothian Committee appraised the relative importance of these two branches as equal in distributing seats in the Federal House of Assembly in paragraph 421 of their Report. In that view of the matter the Indian Commercial Associations are entitled to at least nine seats out of the 19 seats. There might have been some justification of the present proportion when it was settled in 1920, but trade statistics show that Indian trade and commerce has made very rapid progress in the course of these few years. So it would be fit and proper for the Delimitation Committee to consider the matter with due regard to the Indian opinion and allot more seats to the Indian commercial and trading interests.

Let us, however, see how the proposed five seats have been distributed by the Government of Bengal in their proposal. One of these seats has been allotted to the recently started Muslim Chamber of Commerce. This is unjustifiable on principle as it opens the door to the introduction of communal considerations in the allotment of seats for special constituencies.

All the trading and commercial interests of the Bengali Muhammadans can be adequately represented through the existing long-established commercial organisations such as the Bengal Mahajan Sabha and the Bengal National Chamber of Commerce.

Next we come to the allocation of seats to the other bodies. We find that the Bengal Mahajan Sabha is getting lesser representation than the Bengal National Chamber of Commerce. If the latter can get two seats there is no earthly reason why the Bengal Mahajan Sabha would not get the same. The Bengal Mahajan Sabha represents the rural as well as the urban commercial interests of the province while the activities of the Bengal National Chamber of Commerce is more or less restricted to the metropolis, and it is in no way more representative than the Bengal Mahajan Sabha. Moreover, the Chamber's activities have lately been so largely intermixed with things political or semi-political with necessary propaganda in the Press as to lend it an exaggerated importance in the economic and commercial sphere.

While dealing with the Bengal National Chamber of Commerce, I cannot leave aside the queer proposal made by them that the Indian commercial seats should be allocated *en bloc* through it. This proposal is no doubt very ambitious on the part of the Bengal National Chamber of Commerce, but is not entitled to serious consideration for the interests of the different commercial associations are not identical and they differ on important aspects inasmuch as they represent the various activities of different branches of trade and commerce of the province. To merge them into one Chamber of Commerce will be to stifle their activities and in a way to minimise their importance. Similar claims may be advanced by other associations as well with equal show of reasoning.

Then as to my own association, the Bengal Mahajan Sabha, it is the only representative association of inland traders and indigenous bankers of Bengal. It was established long before the introduction of the present Constitutional Reforms in the country. In consideration of its traditions, influence and representative character, it was rightly included as a commercial constituency in the Local and Central Legislatures along with the introduction of the Montagu-Chelmsford Reforms. The importance and the representative character of the Sabha has since then been on the increase and the stake of these merchants through whom crores of rupees pass every year is large indeed and they are certainly entitled to an adequate representation in the coming Reformed Legislatures. The Sabha's activities extend both to rural and urban areas, and it would be in the fitness of things if two seats in the Bengal Legislative Assembly be allotted to it. The provision of two seats in the Lower House in the province would go a long way to meet the needs of the two different classes of interests, the urban and the rural, on the lines of the recommendations of the Lothian Committee in paragraph 95 of their Report.

Another point I cannot leave aside—we notice that the Provincial Advisory Committee has suggested the formation of an Electoral College for elections to the Federal Assembly. The Government of Bengal has not accepted their recommendations nor has it formulated its own proposals in the matter. The creation of an Electoral College for the election of a member to the Federal Assembly is a cumbrous form of indirect representation. It is likely to frustrate the object of giving franchise to the several mercantile bodies of Bengal. The one result of the creation of Electoral Colleges will be that some of the associations will form combines and coteries between themselves with a view to monopolise the seat. Under the circumstances and in view of the fact that only one seat is available for the Indian commercial interests, it would be best to retain the existing arrangement of giving the seat to the three recognised bodies, viz., the Bengal Mahajan Sabha, the Marwari Association and the Bengal National Chamber of Commerce. If, however, it is decided to establish an Electoral College to which I am on principle opposed, I would strongly insist upon no distinction being made in the number of representatives from the three bodies to which one seat has been allotted alternatively in the White Paper proposals.

Now, to come to the Labour constituencies, I find that though eight seats have been allotted, the labour interests of Eastern Bengal have been ignored altogether. The major portion of the jute trade is carried on in Eastern Bengal and the labour engaged therein is not negligible. Then there is the growing cotton industry. Already there are several cotton mills established in Dacca and other East Bengal districts and a very large number of labourers are employed in them. I cannot understand how this important section of Bengal labour can be ignored altogether. Besides these, there are the River Transport labourers in East Bengal. I therefore propose that at least three seats out of these eight be allotted to the labourers of Eastern Bengal.

As regards the seats for women it is right to restrict the constituencies to the municipal areas. But if they are restricted to Calcutta and Dacca-cum-Narainganj only, a large body of qualified women voters will be debarred from exercising their votes. So the two seats for each community should be divided among a larger number of municipalities of Bengal.

As for the general constituencies time will not permit me to enter into the details. But I would like to make it clear that on the proper arrangement of constituencies and allotment of seats depends to a very great extent the success or failure of any constitution and that the purpose of even a very good constitution may be totally frustrated if the seats are not equitably distributed. For instance, there may be one constituency covering such a big area that comparatively poorer candidates standing from the same may find it altogether beyond their means to tour the whole area and carry their election message to all their

voters. On the other hand, a particular area may be assigned more seats than its population would warrant. To avoid all these the Government should carefully examine the proposals and ascertain the public opinion and then lay it before the Delimitation Committee.

Though not quite within the province of to-day's discussion, we cannot shut our eyes to the great injustice done to Bengal under the Communal Award and the subsequent inclusion of the Poona Pact in it. By these the Hindus of Bengal have been reduced to political impotence. On the other hand, the Muhammadans and the scheduled caste Hindus have been given more seats than they deserve. In fact, the position of the scheduled castes is such that I am afraid in most of the constituencies it will be difficult to get even four candidates for contesting the preliminary elections as provided in the Poona Pact and many seats will go uncontested. The Communal Award has been condemned unequivocally by the Press and the Public and the trend of opinion generally is this, that under it the working of the administration will not be so smooth as it is expected.

Mr. K. C. RAY CHOWDHURY: The question of constituencies for the eight labour seats in Bengal Lower House was not adequately discussed in the Provincial Advisory Committee with the result that six of the eight seats were haphazardly allocated on a territorial basis and only two allotted to Trade Unions. I raised my humble protest against it and urged as strongly as I could in favour of allotment of at least six seats to Trade Union constituencies and two to Coal and Tea Labour on territorial basis. My motion was lost by a narrow majority of two votes—seven voting in my favour and nine against me. The arguments advanced against Trade Union constituencies were that the Trade Union movement in Bengal was in its early stage and that the membership of Trade Unions is small compared with total number of persons employed in organised industries.

The principle of sauce for gander is sauce for goose was ignored when 19 seats were allotted for representatives of Commerce and Industry to Organisations of Capital. Even the Calcutta Trades Association composed of a handful of large shopkeepers were granted two seats, the Marwari Association representing a handful of Marwari merchants was granted a seat and the brand new Muslim Chamber of Commerce hurriedly promoted with a purpose was given a seat. This unjustifiable discrimination against labour must be revised at all cost. Let me place before you one or two facts about the Trade Union movement in Bengal. Here is the Report on the working of the Indian Trades Union Act for the year ending 31st March, 1934, and our Reform Officer Mr. Gilchrist was in charge. The Report says that the total number of membership of 40 Trade Unions which submitted returns for one year was 79,182

including 474 females as compared with 29 Trade Unions with a total membership of 71,860 in the previous year and it shows an increase of about 8 per cent.

Under head "Expenditure," the Report says:—The total expenditure during the year amounted to Rs. 2,38,271-1. Even if you exclude the 56 members of the Indian Jute Mills Association—a body of employers registered under the Trade Union Act, yet numerical strength viz., 71,000 Trade Union membership is a positive sign of progress of Trade Unionism in Bengal.

The Royal Commission on Indian Labour under the Chairmanship of late Right Hon'ble Mr. J. H. Whitley, who made a special study of Indian Labour question and its relation to franchise, recommended on page 464 of that Report—"If special representation is to be given to Industrial Labour, the method which, in our view, is most likely to be effective in securing the return to the Legislatures of the best representatives of labour is that of election by registered Trade Unions. The working of this method should also exercise an important influence on the healthy development of Trade Unionism. Where only one seat was given, the Trade Unions might elect the member—where more than one seat was allotted to labour, the Unions could either be grouped for the purpose in separate constituencies, possibly according to industries, or they could elect the members jointly. As regards details, we recommend the setting in each province of a Special Tribunal to determine before each election the weight which should be given to each Registered Trade Union." The recommendation of the Royal Commission which goes into further details has been correctly observed by the Bombay Provincial Delimitation Committee and I cannot help quoting from that Report: "After consultation with the Commissioner of Labour and the Representative of Labour who was co-opted by it for the purpose, the Committee finally came to the conclusion that on the conditions of this Presidency special labour constituencies are not practicable and that the only way in which representation can be provided is by means of Trade Union constituencies. The Committee has accordingly proposed that the seven labour seats should be assigned as follows:—Guzerat Textile Labour Union 1 seat, Bombay City and Suburban Textile Labour Unions 1 seat, Deccan and Karnatack Labour Union 1 seat, Railway Unions 2 seats, Registered Trade Unions of Seamen, Dock Workers and Port Trust Employees 1 seat, and General Trade Unions 1 seat." This Bombay Committee has prescribed the manner of voting and also the qualifications of electors and candidates. I may tell you that some of these Unions have less than 300 members and they were provided seats. No one will honestly suggest that labour conditions in Bombay are different from those in Bengal. In fact, there is overwhelming evidence that Territorial Labour Constituencies as suggested by Bengal Committee will attract undesirable candidates who have only to square

up with the *sirdars* and chargemen to ensure success. Members from the Indian Jute Mills Association will bear me out that the devastating Jute Mill strike in 1929 without strong grounds was actually promoted with the help of *sirdars* who were well paid by certain speculators of the city. It is well known and the Royal Commission has emphasised it that most of the *sirdars* and chargemen are not honest friends of labour under them and it is they who abuse their power over ignorant labour to promote strikes. This is not so in Europe where overseers and foremen make common cause with men under them. There are indications that revolutionaries and so-called communists would get hold of these *sirdars* and use them as their pawns in capturing the Territorial Labour seats. The notorious strike in Bowreah Jute Mill in 1928 which lasted for 6 months was promoted by Revolutionaries with the help of *sirdars*. It is also possible that capitalists and even landlords owning *bustees* in the mill areas will treat some of these Territorial Labour constituencies as pocket boroughs frustrating the very object for which these labour seats are created. My own suggestion is that at least two seats should be given to Unions of Textile Labour which is practically the backbone of Bengal Factory Labour numerically and from the point of view of labour legislations and that two seats should be given to General Labour Unions Federation which is the Central Organisation of 14 first class Trade Unions including Railways. Water Transport, Textile and Printing Trades have condemned Government proposal for allotment of two Trade Union seats to two particular classes of workers, viz., Water Transport and Railways, the numerical strength of which according to residence of members in Bengal is not even the tenth part of the total number of industrial workers in Bengal. The resolution of the Federation published on page 127 of the published report of letters received from representatives of different bodies and individuals and it condemns that invidious distinction favouring Trade Unions of two particular classes of workers, is mischievous, and urges upon the Government to rectify its proposals and allot these two seats to all the Registered Trade Unions representing all classes of industrial workers. Take the case of Railway Unions in Bengal—Bengal-Nagpur Railway Indian Labour Union is composed of clerical staff and small number of manual workers and a vast majority of its 14,000 members reside outside Bengal. The same remarks apply to Eastern Bengal Railway Indian Employees' Union which is practically a Union of clerical and non-manual traffic staff and the Eastern Bengal Railway system covers Behar and Assam as well. Regarding Water Transport Union recommended by the Bengal Committee, over 30,000 seamen afloat on ships cannot vote and a vast majority of the lascars have their homes in Sylhet in Assam and they come to Calcutta to try for occasional sea-faring jobs. It must also be noted that the lascars are without exception members of the Moslem community only. I would, therefore, strongly urge that the two Trade Union seats very kindly and most graciously conceded by the

Bengal Committee should go to an Electoral College of the members of all the Registered Trade Unions. It must also be borne in mind that some of these favoured Unions may be cancelled from register or even dissolved—what then will happen to the Trade Union seats? If you read the Trade Union Report for 1933-34 you will find that names of at least ten Unions were removed from the Register including Bengal-Nagpur Railway Workers' Union, Calcutta Dock Workers' Union, Indo-Asiatic Seamen's Committee, Association of Indian Seamen, East Indian Railway Workers' Union. Most of these Unions were mushroom Unions or owing to quarrel among so-called leaders they collapsed, but those Unions of at least 5 years' standing and recognised by Government and employers for collective bargaining should be given special franchise. I do hope that the Hammond Delimitation Committee should seriously consider the revision of labour constituencies in Bengal.

Maulvi TAMIZUDDIN KHAN: Sir, the Council must be thankful to Government for giving them an opportunity of considering this question, but from the diversity of the opinions that are being expressed on the floor of the House, I am doubtful whether these deliberations will be of much help to the Delimitation Committee. The Hon'ble Member who moved this resolution pointed out that in discussing this question there was no need to open the communal question. But unfortunately our energies are being spent to a great extent on the communal question.

Mr. DEPUTY PRESIDENT: Why not show a better example by abstaining yourself from referring to it?

Maulvi TAMIZUDDIN KHAN: Sir, it is very difficult now to set a good example after the performances of my friends who have spoken previous to me. I shall not, however, refer to this matter at length, but I would like only to say a few words to my very esteemed friend, Maulvi Syed Nausher Ali, who blamed the whole Moslem community for demanding separate electorate from the British Government. But, Sir, if my friend is a believer in democracy he cannot but admit that the whole Moslem community demanded separate electorate—well, if it not be the whole, it is at least a downright fact that almost the whole Muslim community is in favour of separate electorate. So, if democracy has any meaning the demand for separate electorate must be said to be a democratic one and therefore Maulvi Nausher Ali seems to be in a microscopic minority so far as that question is concerned. I do not want to go into the question any further. Regarding the delimitation of constituencies first of all, I shall deal with the question of the distribution of the urban seats. There is no doubt of the fact that

some weightage has been given to the urban areas, both by the Advisory Committee and the Government, but it must be admitted that under the present constitution so far as the Muslim seats are concerned, urban areas do enjoy a weightage of 329 per cent. over the rural areas and the new proposals are that that weightage should be much reduced. It is proposed to be reduced to 50 per cent. On a strictly population basis the urban areas so far as the Muslim constituencies are concerned are entitled to only four seats whereas six seats have been given to these areas. Therefore since the number of Muhammadan seats has been increased from 39 to 117, it is very difficult to reduce even the six urban seats which are now enjoyed by the urban areas. From that point of view the Provincial Advisory Committee as well as the Government have recommended that the six Muslim urban seats should be retained. But the question of the distribution of these urban seats has raised a good deal of controversy. It will appear that the municipalities of almost the whole of Eastern and Northern Bengal except Dacca and Narayanganj have been excluded from urban representation and this has roused a good deal of indignation amongst the Muslim community. Whatever advantages there may be in distributing the urban seats as they are proposed to be done, I think the objections raised cannot be easily brushed aside. It has been suggested to me that even if six Muslim seats are allotted to the urban areas they should be more evenly and equitably distributed. It has been suggested that one possible distribution is that instead of two one seat only should be given to Calcutta and the five remaining seats should be distributed amongst the urban areas of the five divisions of the Presidency. This suggestion has got both its advantages and disadvantages. One of the disadvantages is that Calcutta is proposed to be given only one seat. Having regard to the importance of Calcutta, this seems to be a great drawback so far as this suggestion is concerned. But if all the other municipalities of the province can be represented by this means that is no doubt an advantage. The constituencies will no doubt become very large if these seats are distributed throughout the urban areas of the province, but I would beg to submit that in the case of the General—I mean the Hindu—seats such has been the case, namely, the Rajshahi Division municipalities, the Dacca Division municipalities and the Chittagong Division municipalities have been given one seat each so far as the Hindu urban constituencies are concerned. If that is conceded, I think Muslim seats might similarly be distributed, but as I have pointed out one great difficulty about this suggestion is Calcutta. I think the Delimitation Committee will consider this point carefully and pay proper heed to the objections raised as well as to the proper claims of Calcutta.

Now, as regards the allotment of the two Muslim women seats there has also been a good deal of objection, to the proposals of Government.

As the House knows, the Provincial Advisory Committee has allotted one seat to Calcutta and one seat to Dacca-cum-Narayanganj Municipalities. Government has accepted this view. Even on the floor of this House objections have been raised on behalf of Chittagong. It has been urged why women of Chittagong should be deprived of an opportunity of being represented in the future Legislative Assembly of this province? Objections have likewise been raised from other municipalities as well as rural areas. One of the suggestions is that these two seats should be allotted to two halves of the whole province. Thus, one seat may be allotted to Calcutta and the Burdwan and the Presidency Divisions, and one seat may be allotted to the remaining three divisions of the Presidency. This suggestion also has got its advantages as also its disadvantages. The disadvantage is that the constituencies will be too large, to the point of being unmanageable, whereas the male constituencies would be quite small ones. It is too much to expect of our womenfolk who are going to be represented in the future Legislative Assembly for the first time that they should be thrown into constituencies as big as these. This is no doubt of disadvantage, but I think that the number of women voters will not be very large Therefore, from that point of view if this suggestion is accepted, it will not be altogether improper. The advantage will be that this will create a great awakening and political consciousness among the womenfolk and the whole province will take, I am sure, a keen interest in the election of two of our sisters. Therefore, having regard to this advantage I think this suggestion should be very carefully considered. If it is not possible to throw open these two seats to the whole province at least they may be allotted to the urban areas of the whole province. In that case the proposed division may be like this: one seat may be allotted to Calcutta and the municipalities in the Burdwan and the Presidency Divisions and the other to the municipalities in the three other divisions of the Presidency.

Then, Sir, Nawab Musharruf Hosain raised the question of Jalpaiguri. He said that Jalpaiguri has been unfairly treated by the Advisory Committee. That Committee, he said, has suggested that two seats should be taken away from Mymensingh and Comilla and be given to Burdwan and Midnapore, but, that curiously enough, the Committee has not given even one seat to Jalpaiguri, while according to him Jalpaiguri is of equal importance with Burdwan and Midnapore. He supported his claim on the score of weightage. He says that some weightage should be given to certain areas. Sir, I am altogether against any weightage being given amongst rural areas as such. The Muslims have got 119 seats under the new Constitution and why? Because of the numerical strength of their population. But having acquired these 119 seats on the population basis how can one ask that weightage be given to certain areas over others. The population strength should be

the only basis. I therefore think that Government have acted wisely in not accepting the recommendation of the Advisory Committee that two seats should be taken away from Mymensingh and Comilla and be reallotted to Burdwan and Midnapore, respectively. That would have been very unfair.

As regards Bankura, it stands on quite a different footing. Strictly speaking, on the population basis that district is not entitled to even one seat, but it was considered proper that at least one seat should be given to Bankura and that principle has been practically followed in the case of Jalpaiguri also. Sir, the complaint of Nawab Musharruf Hosain is that Darjeeling has been tacked on to Jalpaiguri. But if the population of Darjeeling is kept in view, I think it will be found that Jalpaiguri will be the principal actor in the field and the Darjeeling Mussalmans will only play a second fiddle in the whole show.

Sir, I do not want to say much about the chorus of objection that has been raised against the one seat that is proposed to be allotted to the Moslem Chamber of Commerce. The chorus is only on the one side as is whispered by my leader Khan Bahadur Abdul Momin. I do not know what this kind of objection will come to. If all the Hindu members of the Council say that it is unfair to give one seat to the Moslem Chamber of Commerce and the Moslem members say that it is very fair and proper to give one seat to that body, I think it will be of no avail to the Delimitation Committee. The reasons that have been advanced against the granting of one seat to the Moslem Chamber of Commerce to my mind are not at all tenable. I beg to submit, Sir, that in this country the communal principle has been accepted not only in purely political bodies but also in municipal bodies, as in the case of the latter some seats have been reserved for the minority communities although no political considerations generally crop up in the management of municipalities. Still it has been found necessary for this Council to reserve seats for minority communities in those bodies. Then what is the objection to this proposal that one seat should be given to the Moslem Chamber of Commerce? If we look to the volume of trade that is controlled and managed by the members of the Moslem Chamber of Commerce it will be seen that the one seat that has been given to them is altogether inadequate.

(At this stage the member, having reached the time-limit, had to resume his seat.)

Mr. SHANTI SHEKHARESWAR RAY: Sir, it is rather uncharitable to say anything against this Delimitation Committee, but one thing that I want to point out is this. The Hon'ble the Home Member in the course of his speech stated that this was practically a Committee of the House. There may be some misconception on that point.

It ought to be made clear that this Committee is not a Committee of the Bengal Legislative Council; it was not appointed by the Bengal Legislative Council. And, Sir, to say that it has the authority of a Select Committee of the Bengal Legislative Council would be wholly unjustified. It was a Committee appointed by the Bengal Government and it was an unrepresentative Committee (A VOICE: Not at all), because it consisted of the nominees of the Bengal Government—people who would in most cases echo their masters' voice and practically ditto the suggestions of the Bengal Government. It has placed a Report before the people as well as the Parliamentary Committee which goes by the name of the Report of the Advisory Committee, but in all essential aspects it practically represents the views of the Bengal Government. That is a point which ought to be made clear, and it ought to be emphasised that the recommendations of this committee carry very little weight with the people of the province. Sir, it was appointed we do not know when—at any rate it was not announced to the public. Well, Sir, while we know that the Provincial Advisory Committees on delimitation are now appointed in different provinces, we find from this Report that the Bengal Committee was appointed so early as 1932. Perhaps the appointment was known only to the members of the Bengal Legislative Council; the people had no information on that subject. It is quite possible that this Committee asked for the opinions of a few associations, but they did not call for the opinions of the public on any question or on any principle. From the Report we do not find what were the terms of reference to this particular Committee. Generally, when a Committee is appointed, it is appointed with the authority of the Bengal Government and generally a resolution is published in which the terms of reference are stated. We find nothing of that sort here. The resolution appointing this Committee does not find a place anywhere either in this Report or in the Memorandum issued by the Bengal Government containing their own proposals. Sir, there is one significant passage in the report and it is to this effect: "The Committee was appointed for the sole purpose of advising on the delimitation of constituencies on the basis of the Communal Decision as amended later by the Poona Pact. Questions connected with electoral qualifications, the allocation of special commerce seats as between Europeans and Indians and the definition of the depressed classes were outside the reference of the committee."

In view of this statement in the Report all the criticisms which have been made in this House about the allotment of a large number of seats to European commerce are entirely irrelevant, because the Committee had no option in the matter. They were bound by the decision of Government in the matter not only in this case but as we proceed further through the Report we find that their hands were tied by other instructions of Government. There is, for instance, the question of

the allotment of one seat for the Hillman of Darjeeling. Perhaps I do not know how this instruction was communicated to this Committee, but we find that it is the intention of the Bengal Government that one seat should be reserved for these Hillmen. So, so far as the general Hindu seats were concerned they had to distribute 29 seats amongst the different constituencies in this province. On going through this Report I find that this Committee had very little work to do. Practically the broad principles were settled by others, and the work they had to do could have been, I think, done efficiently and effectively by a competent Head Assistant of any Department of the Bengal Secretariat. I do not understand why for this matter the Advisory Committee worked for a period of 2 to 3 months and they had 14-15 sittings and I understand they are going to have another sitting in the near future. The only thing that they have decided is the matter of the distribution of five commercial seats among six Indian commercial bodies. That is the only point they were called upon to decide and the other principles were decided for them by the authorities, *e.g.*, the question of weightage for the urban areas, the question of the allotment of seats to Moslems, the question of the allotment of seats to the two Universities were practically more or less settled by the Franchise Committee and this Committee had practically to carry out their orders. Even within the limited scope they had to work I am constrained to say that they did not do their work properly. I think it was their duty to call for local public opinion. On this Committee there was not a single person from North Bengal representing the North Bengal districts. Naturally, we find the astounding suggestion made in this Report that there is no representation separately for the district of Malda When I read this Report in the newspapers it practically took my breath away. Well, Sir, fancy this Committee propose to take away a seat from a district which it now enjoys under the present Constitution. If this Advisory Committee had worked in the proper spirit, if they had invited the opinion of the local people, they would never have made such an absurd suggestion. They have allotted two seats jointly for the districts of Rajshahi and Malda and one seat for the scheduled castes for both the districts. I want to submit, Sir, that these two-seat constituencies are not at all desirable. Plural constituencies as they are commonly known should be avoided as far as possible. But I am glad, Sir, that in the Memorandum issued by the Bengal Government containing their own proposals they have differed from the views of the Committee on this point. As I am told whenever there is a difference of opinion between an Advisory Committee and the Bengal Government, the Central Enquiry Committee are called upon to give their decision in the matter. I submit that the view of the Bengal Government in this case should prevail. It is in accordance with the wishes of the people. I may tell you, Sir, that on ascertaining the views of my constituency on this matter

after the publication of the Report of the Advisory Committee, I find that the feeling is very much against the suggestion of that Committee on this point and the people accept with acclamation the suggestion of the Bengal Government. Sir, this is one the very few occasions when I find myself in accord with the views of the Bengal Government and I congratulate myself as well as the Bengal Government on this unexpected unanimity of views amongst us.

There is one other point in this connection which I would like to submit is this. In the Government proposal we find that the scheduled castes in the district of Rajshahi are not to have even a single seat. That would be very unfair to the people of scheduled castes of the district of Rajshahi, and I think there ought to be some provision by which they should get representation. Sir, it is quite unnecessary to deal with other suggestions because some of them have been already dealt with by people interested in the particular constituency, and there has been a sort of general discussion as regards communal interests which does not help us in the least. Our feeling in this connection is more or less that it is time to accept the suggestions of the Government of India in the matter, and to leave everything to the future. We have expressed our views more than once on this question of broad principles, and we know that the Government is determined to go their own way in spite of our warnings, and perhaps it is for the future to unfold the consequences of the policy of the Government in the matter. So far as the Hindus of Bengal are concerned, I practically echo the voice of the people, when I say that these details leave them cold. They are not interested in these matters. They feel in their heart of hearts that the policy of the Government of India, and the policy they are following, will make them lose all faith in the constitutional system of Government and in constitutional reforms.

Mr. DEPUTY PRESIDENT: Order, order. The debate will be resumed to-morrow.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 15th August, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 15th August, 1935, at 3 p.m.

Present:

MR. PRESIDENT (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Ministers and 96 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Rural uplift grant for education.

*41. **Mr. S. M. BOSE:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether any, and if so, what amount from the Rural Development Grant from the Government of India has been allocated for education;

(*ii*) how he proposes to spend the money so allotted;

(*iii*) whether any, and if so, what amount is to be spent from this money for expansion of women's primary education in villages; and

(*iv*) whether any, and if so, what amount has been allotted for the training of women teachers for village schools?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): The member is referred to the special motion to be moved by the Hon'ble the Finance Member during the present session of the Council.

Kalihati-Tangail Road.

***42. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether there is any proposal for completing the Kalihati-Tangail portion of the Mymensingh-Tangail Road in the near future?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state further—

(*i*) the precise time, if any, for undertaking the said work;

(*ii*) the time estimated to be taken for the completion of the work;

(*iii*) the estimated cost thereof; and

(*iv*) the nature of works to be done, viz., bridging, earthwork, metalling, etc.?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether there is any proposal for not constructing the aforesaid portion of the road along the District Board Road existing between Kalihati and Tangail *via* Ellenga; and

(*ii*) whether there is any proposal for constructing the said road anew along some available portion of what is known as Mymensingh-Tangail District Board Track *via* Deopara, Kuturia, Serail, Gopalpur, Guraucha, etc.?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes. On the advice of the Provincial Board of Communications and with the approval of the Government of India the scheme for the construction of bridges and culverts on the Kalihati-Tangail portion of the Mymensingh-Tangail Road has been included in the second quinquennial programme.

(*b*) (*i*), (*ii*) and (*iv*) The preliminary work of surveying the road has been sanctioned and is in progress. The information asked for cannot be furnished until the survey is completed.

(*b*) (*iii*) The detailed estimate has not yet been prepared; the estimated cost is Rs. 5 lakhs.

(*c*) (*i*) and (*ii*) Nothing has been decided yet about the route. Alternative lines to the present District Board Road between Kalihati and Tangail will be considered after the survey is completed.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Daulatpur Hindu Academy.

24. Maulvi MUHAMMAD HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that a huge sum out of the income of the Syedpur Mohsin Estate is spent to protect the Daulatpur Hindu Academy from erosion by the river?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the Daulatpur College has any Persian or Arabic Professor; and

(*ii*) whether the authorities of that College allow Muslim students to have classes in Arabic and Persian within the College compound?

(*c*) If the answer to (*b*) is in the negative, what are the reasons?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) No: it is not a fact.

(*b*) (*i*) and (*ii*) No.

(*c*) The College is not affiliated in either Persian or Arabic.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether any grant is made from the Syedpur Mohsin estate to local bodies?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have no information on the subject.

Mr. P. BANERJI: Is the Hon'ble Minister aware that more than Rs. 4,000 has been spent from the fund on this erosion?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have no information, but I shall make enquiries into the matter.

Settlement Kanungos.

25. Mr. W. H. THOMPSON: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether administrative sanction was accorded in 1931 to a scheme for making the service of Settlement Kanungos permanent and pensionable?

(*b*) Is it a fact that the scheme has not been carried into effect owing to financial stringency?

(*c*) Is it a fact that the service is not likely to continue permanently on a similar scale as during the last 25 years?

(*d*) If the answer to (*c*) is in the affirmative, are the Government considering the alternative scheme of a retiring gratuity to these officers to the amount of one month's pay for every year of service?

(*e*) Is it a fact that such a scheme would cost not more than half the pension scheme?

(*f*) Are the Government considering the desirability of consulting the representatives of the Settlement Kanungos in this connection?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) and (*b*) A scheme for making these Kanungos' Service permanent and giving them part-pensions was administratively approved in 1931, but was not given effect to owing to financial stringency.

(*c*) This will depend upon decisions which have not yet been reached.

(*d*) and (*e*) Do not arise.

(*f*) No.

Khan Bahadur MUHAMMAD ABDUL MOMIN: With regard to answer (*c*), will the Hon'ble Member be pleased to state what are the problems on the decision of which this question will depend?

The Hon'ble Sir BROJENDRA LAL MITTER: Mainly resettlement.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is it not a fact that many of the Kanungos who have had 25 years' service or more will be incapacitated for future service, and as such, if they are thrown out of employment without any pension or gratuity, they will be in great distress?

The Hon'ble Sir BROJENDRA LAL MITTER: I am afraid, Sir, if what the hon'ble member says happens, the result will be inevitable.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Considering that this matter was administratively approved so far back as in 1931, and that it is a real case of hardship for a body of Government servants who are really hard-worked, will the Government reconsider the matter and try to save them from being thrown out of employment?

The Hon'ble Sir BROJENDRA LAL MITTER: As I have answered, it is financial stringency which is responsible for this unfortunate state of things, and I am afraid it is not possible to hold out any hopes until the finances of Government improve.

Netrakona civil courts.

26. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that the civil courts at Netrakona in Mymensingh are accommodated in thatched buildings and are situated at a distance of about a mile from the subdivisional courts and the treasury;

(*ii*) that a site has been selected near the criminal courts in the sub-treasury for the erection of masonry structures for the accommodation of the civil courts; and

(*iii*) that recently some shops within the compound of the civil courts took fire and the thatched court buildings were saved with great difficulty?

(*b*) Do the Government intend taking up the construction of the proposed new buildings for civil courts near the criminal courts at an early date? If so, when?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) The courts are in thatched buildings but at a distance of less than half a mile from the subdivisional courts and the treasury.

(*ii*) Yes.

(*iii*) A house near the court buildings caught fire on the 28th February last, but the fire was extinguished immediately.

(*b*) This is engaging the serious attention of Government.

SPECIAL MOTIONS.

(The Council resumed discussion on the special motion under section 78A on the delimitation of constituencies.)

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, the report of the Provincial Delimitation Committee and the recommendations of Government thereon have evoked a considerable amount of criticism in this House, as has been evinced in the speeches that were delivered yesterday. Most of these criticisms were irrelevant, and I do not think that it is necessary for us to touch all the points raised in those speeches. I should, however, like to refer to only one or two important points raised in the debate. It can never be expected, Sir, that the distribution of seats made by the Committee would give satisfaction to all concerned. It is like what the Persians say, "*Ekanar o sad beamar*" which means that one pomegranate cannot be distributed among 100 patients. (MR. B. C. CHATTERJEE: This is quite irrelevant). Sir, the distribution had to be made in water-tight compartments, and the basis of the distribution was the Communal Award which has not satisfied all. Above all, the powers of the Committee were limited by instructions issued to them. Taking all things into consideration, I venture to claim that the work done by my Committee was after all very satisfactory. (MR. ANANDA MOHAN PODDAR: My Committee!—what Committee do you mean?) I mean the Advisory Committee. The recommendations of that Committee were, to my mind, as fair and just as they could be, and that it was so was confirmed by the fact that Government has accepted almost all the recommendations of the Committee.

Sir, most of the previous speakers have referred, I think, very irrelevantly to the Communal Award and other allied matters, and I do not wish to do so except to express my disapprobation and the disapprobation of the entire Muslim community on the remarks made by Maulvi Nausher Ali on the vexed question of joint *versus* separate electorate. One who has some knowledge of the Government of India Act and its passage through the Parliament and is not unnecessarily perverse, knows that the question of electorate was finally settled——

Mr. PRESIDENT: But you are now coming to the irrelevant portions.

Khan Bahadur MUHAMMAD ABDUL MOMIN: No, Sir. What does the expression "finally settled for the present" mean? It means that the question has been settled for the present, and it is absolutely futile to discuss the question now. The remarks of Maulvi Nausher Ali, therefore, came to us as a matter of surprise, and may I remind

him, as has been done already by Maulvi Tamizuddin Khan, that he cannot advocate democracy and at the same try to force his own opinion against the will of the majority.

Then, Sir, two other matters loomed large in the speeches made yesterday, and they are the allocation of seats between the urban and rural areas, and the allotment of one seat to the Muslim Chamber of Commerce. The Muslim Chamber of Commerce has been attacked by nearly every Hindu member of this House, and I regret to say that the unkindest cut was inflicted from the most unexpected quarters—I mean by the Maharaja Bahadur of Kosimbazar. Whatever reasons might have been given by the previous speakers, the mentality underlying their attack was obvious. It is this political psychology among certain sections of Indians that justifies the demand for separate electorate by the Muslims and the scheduled castes, and it is a mentality which is a standing menace to the full realisation of our political aspirations. While Mr. Poddar not only justified but demanded more representation for the Bengal Mahajan Sabha, while the Maharaja Bahadur of Kosimbazar expresses jubilation over the allotment of two seats to his Bengal National Chamber of Commerce, they all appear to be aggrieved because the Muslim Chamber of Commerce has been given one seat. The Mahajan Sabha, as the name signifies, is an association of big money-lenders. (A VOICE: Certainly not—a deliberate misrepresentation.) They do not hold any very important positions in trade and commerce, but most of them are big landlords and are also represented on the Landlords' Association. (Question.) They can, therefore, come through such closed constituencies as well as through any ordinary rural constituencies. If the money-lenders can claim a seat for Commerce and Trade, the borrowers of money ought to have a seat or more from that field, because they can both claim to form part of the same trade. In the same way, Sir, although the Bengal National Chamber of Commerce represents trade and commerce in a very small degree, and its commercial interest is almost negligible and cannot bear any comparison with that of the Marwari Association, much less with that of the Muslim Chamber of Commerce (hear! hear!), it has got representation from trade and commerce constituencies. This Chamber consists of and is dominated by politicians who are big guns in the sphere of politics and can afford to come from general constituencies as well, but they have been given special seats. On the other hand, Sir, the Muslim Chamber of Commerce occupies a unique position in the commercial world. There is not a single item in the export and import trade of the province in which members of this Chamber are not interested. They hold the first position in the export trade of commodities such as raw and manufactured jute, rice and paddy, shellac, tea, hides and skins, and in the matter of import trade, they are not less conspicuous in importing salt, sugar, white oils, glass wares, fancy goods, etc., and they are also interested as industrial manufacturers of jute fabrics,

matches, soap, sugar and a variety of other goods. I have here a statement which shows that the percentage of Muslim merchants' share in the export and import trade is considerably larger than that of any other Chamber. (Question.) For instance, in the matter of export trade in shellac the Muslim Chamber's share is 58·5 per cent.; in jute it is 66 per cent., in paddy 71 per cent.; in cow and buffalo hides 100 per cent., in skins 90 per cent., in reptile skins 87 per cent.——

Mr. NARENDRA KUMAR BASU: What about human skin?

Khan Bahadur MUHAMMAD ABDUL MOMIN: That is the monopoly of the Hindu Mahajan Sabha. On the import side, this Chamber represents 33 per cent. of the trade in salt, 60 per cent. in sugar, 90 per cent. in vegetable products, 90 per cent. in white oil; and 90 per cent. in fruit. This Chamber also controls 75 per cent. of the coastal trade of Bengal and of India, and in that connection consignments of goods to the extent of over 15 lakhs of tons are sent out annually. (A VOICE: But are they Bengalis or Delhiwalas?). They are Bengalis (Question). Sir, the peasantry and the labour in Bengal, who are really the producers of wealth, and on whom depends the prosperity of trade and commerce, are overwhelmingly Muslim, and the Muslim merchants by virtue of their affinity with the Muslim population of Bengal and of the largest share in the trade and commerce of the province, ought to get a larger representation than has actually been given to them. It has been said that the Muslim merchants are non-Bengalis, and that their mother tongue is not Bengali. It may be that the mother tongue of many of them is not Bengali, but to say that they are not Bengalis will not be a statement of fact. They have settled in Bengal; they own properties here; they live with their families in Bengal, and as such, they have a stake in the country quite as much as, if not more, any other Bengali. As regards their mother tongue, it may as well be said that the mother tongue of a considerable proportion of the Muslim population of Dacca and elsewhere is not Bengali, but can you on that score disenfranchise them? It has also been said that the Muslim Chamber of Commerce is only a baby Chamber born very recently and that with the purpose of securing political rights. It is not true. This Muslim Chamber was established first some years ago, but it died of inanition and was revived by the awakening of the political consciousness of the people. (A VOICE: Would you please mention the year?)

Mr. B. C. CHATTERJEE: By the Communal Award.

Khan Bahadur MUHAMMAD ABDUL MOMIN: But even supposing that it was created very recently, I do not think there was any ground to justify the criticisms that it cannot get representation in the

legislative assemblies. The point for consideration is whether that body does or does not represent the commerce and trade of the province in an appreciable degree, and if the answer is in the affirmative, their claims to representation cannot obviously be ignored.

Coming to the other point, Sir, I mean the allocation of seats between the urban and rural areas, some of the Calcutta members with their narrow political ideas (hear! hear! and laughter) have complained that Calcutta ought to have got a larger representation. Sir, they forget that they themselves exist on the support and sustenance which they derive from the rural areas. As a matter of fact, Sir, the weightage which the urban areas have got is quite considerable. On the other hand, I should like to remind the House that although the actual number of seats allotted to Calcutta is by no means inadequate, that number at the same time does not actually represent Calcutta's share. As a matter of fact, Calcutta has got 27, and not four, seats, as the seats for Trade and Commerce, including European Commerce, and the seats for women will all be captured by the people of Calcutta who will certainly espouse Calcutta's interest. Therefore, there is nothing to grumble at on this score. Rai Sahib S. N. Das(?) has complained that Dacca has been badly treated. There also, I think, his complaint is not justified, and there is absolutely no reason——

(At this stage, the member having reached the time-limit, had to resume his seat.)

Maulvi ABUL QUASEM: Sir, the first thing that I should like to refer to is the question of weightage given to urban constituencies. I agree with what has been given expression to by Khan Bahadur Momin. The Nation dwells in the village, and in the Nation's Parliament, the Nation should be properly represented. I cannot, therefore, understand why the urban areas should be given any weightage at all. Why is it that they claim some weightage? One reason might be that influential and cultured people of the land live in urban areas, and that in their interest some more urban seats should be provided for than is legitimately their due. But what happens in Great Britain? In Great Britain, great men and famous men travel distances to have a constituency. Being Englishmen themselves, Mr. Gladstone and Lord Oxford, as Mr. Asquith, selected Scottish constituencies and represented them. And I cannot understand why influential people in urban areas here should not go out to rural areas, select their constituencies, appeal to them and get themselves returned through such constituencies to the Nation's Parliament. I cannot see any reason why weightage should be given to urban areas.

Then, Sir,—and I am now speaking from the Muslim point of view,—Muslim population in the whole urban area of Bengal has been given six seats, but in allocating these seats certain urban areas have been

altogether excluded. I wish to refer to my own district of Khulna and to our sister district Jessore. These two districts have got three municipalities each, and these municipalities have been altogether ignored in the matter of urban representation, and I cannot understand on what principle this has been done. So far as the general urban constituencies are concerned, Khulna and Jessore Municipalities have been taken into account, but so far as Muslim urban seats are concerned, Jessore and Khulna have been altogether left out. I cannot understand why Jessore and Khulna should be left out of account in the matter of allotment of Muslim urban seats to different areas. I strongly suggest, Sir, that the municipalities of these districts should be represented along with the Sadar, Baraset and Bashirhat municipalities of the 24-Parganas.

Then, Sir, there is another important point to be taken into consideration. I find that the district of Jessore was entitled to 4·29 seats and Khulna to 3·30, but Jessore has been given four and Khulna three seats. On the other hand, Sir, Nadia being entitled to 3·5 seats has been given four more than its due—and Murshidabad entitled to 3·08 seats has been given three seats. Nadia and Murshidabad have, therefore, nothing to grumble at.

Then, Sir, in regard to seats allotted to the Upper Chamber I would refer the members of the Council to the Government Memorandum on the proposals of the delimitation of constituencies. It will be seen from page 23 that the district of Dacca has been specially favoured. I do not of course mean to suggest by my reference to Dacca that the Chairman of the Delimitation Committee—himself a very influential man of Dacca—favoured his own district above all others deliberately—that is far from my mind—but I simply want to state that Dacca appears to have been specially favoured by Government. We find that Manikganj and Sadar subdivisions of the Dacca district have a population of 1,119,661, and it has been allotted one Muslim seat in the Upper Chamber of Bengal's Parliament; Narayanganj and Munshiganj containing a Muslim population of 1,140,267, have been given one seat. These subdivisions of Dacca having a Muslim population of 2,259,928 get two seats. In the case of the district of the 24-Parganas, excluding the municipal and cantonment areas, and Jessore and Khulna which have a population of 2,621,121, they have been given only one seat. I ask, I seriously ask, on what principle can you defend these allocations? It has been said that the seats have been allocated on the basis of population, but is it not a glaring and indefensible case of inequality and injustice? I do not know on what principle Government and the Delimitation Committee will defend this.

Then, Sir, in the matter of the allotment of Muslim female seats, Dacca and Calcutta have been given special preference. It is, perhaps, not known to the Council that of all the districts Jessore can alone claim

that it has returned a Muslim woman Commissioner at a general municipal election, but in the matter of allotting the Muslim female seats, the claims of Jessore have been altogether ignored—that is a slur on Jessore which Jessore does not deserve.

Sir, I notice also that the district of Dacca has been specially favoured in more ways than one. In the matter of distribution of seats, it is inevitable that there must be some mutual jealousies between the districts, but Government have got to defend the distributions they have made. I notice that the Sadar, Netrokona and Kishoreganj subdivisions of Mymensingh contain between themselves a Muslim population of 2,317,325 which is more than the whole population of the Dacca district, but they have been given only one seat. What is the answer to that? I hope these inequalities will be placed before the Delimitation Committee that is coming to review these things. Maulvi Nausher Ali said that all Moslems are not for separate electorates. I do not agree with him. Moslems as a community ask for separate electorate and separate electorate is under present conditions a necessity, whatever may be said to the contrary by a stray man here and a stray man there. I find also much to my regret that speaker after speaker on this side of the House are falling foul of the Muslim Chamber of Commerce. It was said that the Chamber was born overnight. Many things are born overnight on the face of this earth and that may have happened in the case of the Moslem Chamber of Commerce under the stress of necessity. Why should any stigma attach to it on that account? Many things under the stress of necessity are hurriedly brought into this world. The need for a Muslim Chamber was there; the materials were there; why it should be found fault with I do not understand. It is an unfortunate fact that this country is a community and caste-ridden one. Among the Hindus there are many castes and innumerable sub-castes and if a member of one caste touches another he is polluted; these things do prevail in this country. As statesmen taking note of real facts you should face these facts and try slowly to get rid of them and not simply sleep over them and be blind. That is not the way to meet the situation. In course of time every patriotic man should desire communal and caste differences to disappear, but as practical men we should take note of things that for the time being exist. That is practical statesmanship. If you can tolerate a Marwari Chamber of Commerce, if you can tolerate a British Chamber of Commerce, why should you not tolerate a Muslim Chamber of Commerce, why should you fall foul of the Moslem Chamber of Commerce? We Muslims cannot but resent this attitude of unreasoning hostility to the Muslim Chamber. Sir, I have no other observations to make.

Mr. NARENDRA KUMAR BASU: Sir, I shall confine my remarks to the words of the resolution moved by the Hon'ble Home Member. I shall not try to fall foul of the schedule to the Government of India

Act. It is not necessary to refer to the history or the necessity of that schedule or otherwise. I shall confine my remarks to the delimitation of constituencies as proposed by the Provincial Advisory Committee and the memorandum in which the Bengal Government give their views. I propose to deal not only with the subjects dealt with by previous speakers, namely, the allocation of seats between urban and rural constituencies and the allocation of seats to the Indian commercial body, but I shall also try to deal with some of the actual delimitations made by the Government in their memorandum of the urban seats as well as of the rural seats. I shall certainly in my remarks on the allocation of seats excepting as to the Indian Commercial seats, confine myself to the question of the general seats. Sir, it has been said that there is no justification for making any distinction between urban and rural population in the matter of their representation in the Legislature. I beg to differ. I submit, Sir, that you have got to take the conditions of things as they are and if it is necessary to give a certain weightage to the urban population in any particular division we have got to give it. That is the broad view which is not mine only, but that is the view which has been shared by the Simon Committee, which has been shared by the Government of Bengal in their notes to the Simon Committee and which has been shared by the Indian Franchise Committee and lastly in the letter written by the Secretary of State to Sir Laurie Hammond, President of the Delimitation Committee, expression has been given to that idea. I need hardly tell you that the importance and reasonableness of the balance between representation of town and country was stressed by the Indian Franchise Committee. I need hardly tell you that in the Secretary of State's letter to Sir Laurie Hammond it has been said that full weight should be given to differences in provincial conditions. I need hardly remind the House that so far as Bengal is concerned most of the thinking, intelligent and politically minded population, both Hindu and Muhammadan, are congregated in the town.

Khan Bahadur MUHAMMAD ABDUL MOMIN: That is a tragedy.

Mr. NARENDRA KUMAR BASU: My friend Khan Bahadur M. A. Momin says that is a tragedy. But, Sir, he is one who is adding to that tragedy knowing that it is a tragedy and the people of Noakhali knowing that the tragic figure of Khan Bahadur Abdul Momin is going to settle in Calcutta have pitched upon him as their representative even in this Legislative Council. Well, Sir, you cannot have it both ways. Your men of light and leading in both communities do congregate in towns; it might be a tragedy; it might be a comedy or it might be a serio-comedy but that is the state of things to which you have got to submit. The Government of Bengal in their memorandum say that the

weightage under the present constitution in favour of urban and municipal areas is very heavy—it is 116 in the case of non-Muhammadans and 329 in the case of Muhammadans—they are absolutely wrong. The weightage is nothing like that. I shall demonstrate that in half a second. If you take the number of the voting strength of urban and rural areas you will find at once that whereas the total number of voters in urban areas (I am talking of non-Muhammadans) is 153,954, the total number of voters in rural areas is 469,566. The percentage of voters in urban areas is 24·7 whereas the percentage of voters in rural areas is 75·3. The proportion of urban seats to rural seats in the present Council is 20 out of 80. That is to say, the over-representation of urban voters is about 1·2 times. That is all, and that is plain to everybody. Unless you take the population below 20 those who have no vote and the rest of the population you cannot take the weightage as big as the Government of Bengal seem to do. Then, Sir, says the Government "the Local Government however are impressed by the objections to reducing the weightage of urban representation in respect of those areas which have urban constituencies under the present constitution." Let us see how they are respecting that intention of theirs. In the present Council Calcutta has got 6 out of 46 elected non-Muhammadan representatives—that is about 13 per cent. If the number given to Calcutta were 6 out of the 78 given in the new constitution, the percentage would have been 7·6. But Government have made it 4 out of 78. Is not that reduction, Sir, both horizontal as well as vertical? Is not the representation of Calcutta absolutely cut down from the very small percentage that it was to an almost infinitesimal proportion? Then, Sir, if you take the figures of population given in this Government memorandum you will find that the average population for an urban Muhammadan seat is about 98,000. Well, Sir, under the Government proposal the average population of a general urban seat is 220,000.

Babu AMULYADHAN RAY: What about the area?

Mr. NARENDRA KUMAR BASU: If the area is taken into account, the figure would have been otherwise. The figures are not available. I have not the survey and geographical idea of Mr. Amulyadhan Ray, nor do I know that area has been taken into account in any of those statements. Mr. Ray talks of area. I may tell him one thing. I am not talking of areas exclusively. If he turns to the distribution of seats in the Legislative Council by percentage in municipalities, he will find that the municipalities of his own district Jessore and those of Khulna have been lumped together with about 20 municipalities of the 24-Parganas district and the total population of the constituencies is 315,340. I have just been trying to find out what the proportion of population of the different constituencies are and I find that the total

urban population of the municipalities of the Jessore and Khulna districts is roughly 35,000. Therefore, Jessore and Khulna municipalities together have only 35,000 out of 315,000 which makes up the whole constituency. That is the sort of grouping that the two districts of Jessore and Khulna will have in the constituency. Similarly, so far as Nadia and Murshidabad are concerned, the total municipal population of these two districts would come up to 137,000, whereas Nadia and Murshidabad *plus* the 10 mill municipalities of the 24-Parganas is 285,308. That is to say the whole of the municipal population of Nadia and Murshidabad do not make up about 40 per cent. of this constituency of the mill municipalities of the 24-Parganas. That is the sort of grouping that has been rendered necessary by the Government's cutting down of the number of urban seats in the next Legislative Assembly. In this Council there are 11 urban seats,—a Council of 80 elected members. In the next Council where the number of elected members will be 199, the number is still kept at 11. What is the proportion? Because the Legislature becomes very much larger the number of urban seats is very much lower. That is the sort of thing that the Government of Bengal contemplate when they say that the Local Government however are impressed by the objections to reducing the weightage of urban representation. Sir, if one were asked to conceive a case of talking through one's hat I do not think one could surpass such remarks. Let us just take another point. As regards Darjeeling, if you turn to the representation proposed for that district you will find that the urban constituencies there consist of the municipalities of the Rajshahi Division excluding the Darjeeling and the Kurseong municipalities. Turning to the rural seats, we find Jalpaiguri-*cum*-Siliguri, that is to say, the Jalpaiguri district and the Siliguri subdivision of the Darjeeling district, excluding municipal areas forms one rural constituency, so that the general population of the Darjeeling and Kurseong municipalities are disenfranchised at one stroke;—they have no vote: they are neither fish, nor flesh, nor good red herring—that is to say, they are neither urban nor rural nor anything else, and being a hillmen's constituency the general voters have no look-in there. Talking of the inequity of the Government's solution, take the case of the Scheduled Caste seats in Bakarganj, for example. I have just been looking into the figures, and they are so glaring. In Bakarganj there are two constituencies—one, Bakarganj South-West Rural and another Bakarganj North-East Rural. The Scheduled Caste population in the South-West Rural constituency is 224,549 and that in the North-East Rural 183,390. Sir, one would expect that the reserved seat would be given where the population was the larger. But what do we find? What we find is that the reserved seat is given not to Bakarganj South-West Rural, where the population is over 2 lakhs, but to North-East Rural where the population is much less. These are some of the inequalities of distribution made by the Government of Bengal in their memoran-

dum, and I hope we shall have occasion enough to refer to them at the further meetings of the Committee.

Coming to Indian Commerce seats, the Muslim Chamber of Commerce in particular, to which my hon'ble friend, Khan Bahadur M. A. Momin, has referred, he mentioned certain figures which I take it have been supplied by the same high authority which supplied the figures in the memorandum submitted by the Muslim Chamber of Commerce to the Advisory Committee, printed at pages 82 and 83 of the second volume of the report of the Committee. In that report at page 83 you will get a list of 8 registered firms in the chart, etc., of the Muslim Chamber of Commerce, whose total paid-up capital is Rs. 94,20,000, and it is said that 75 per cent. of India's coastal trade and a third of Bengal's salt trade is controlled by members of that Chamber. When their representative was asked by me—page 89 of the report—the following question: "In page 2 of your statement it appears that the capital of your registered firms is Rs. 94,00,000. Is that paid-up capital or nominal capital?" the answer was: "Practically all paid-up." I had not the figures before me at that time, but in June this year the Government of India published a report on the Joint-Stock Companies in British India for 1931-32, and in that report I find Dost Mohammad and Co., Ltd., appearing with a capital of Rs. 7,50,000, but not a pice of that capital was paid up. The Muslim Press and Publication, Ltd., with a published capital of Rs. 1,50,000, is not mentioned in that report because it was not in existence in 1931-32. Nauman Jafferey, Ltd., with a capital of Rs. 1,50,000, had only Rs. 25,100 paid up. Ishaq Chandana, Ltd., with a capital of Rs. 1,00,000 had only Rs. 64,000 paid up, and Wise Brothers, Ltd., with a similar capital of Rs. 1,00,000, had only Rs. 200 paid up! That is the sort of statement on which my learned friend Khan Bahadur M. A. Momin is relying in his assertion that 75 per cent. or 90 per cent. of Bengal's trade is in the hands of the Muslim Chamber of Commerce. May I in this connection remind him of the report of the Provincial Banking Enquiry Committee which consisted of members, like my esteemed friend the Hon'ble Khan Bahadur Maulvi Azizul Haque, and no one will accuse him of being antagonistic to Muslim interests. The report says that so far as commerce or trade is concerned, the interests of the Mussalmans are inconsiderable; that is the report of the Bengal Provincial Banking Enquiry Committee at page 30. Of course, Sir, I am speaking from memory. My friend has also spoken of the unique position of the Muslim Chamber of Commerce. Unique, indeed, it is; because it has come into existence in order to have the 120th seat for the Muslims in Bengal, out of a total number of 250. When my friend criticizes the mentality of those who have spoken against any representation being given to the Muslim Chamber of Commerce, I would ask him to lay his hand on his own heart and inquire about his own mentality. We know that since the Prime Minister's Award, I shall not use the word

"Award," but the Prime Minister's "Ordinance," which has now been translated into a schedule of the Government of India Act, supplemented by the iniquitous Poona Pact, which saved the life of Mr. Gandhi at the sacrifice of his principles, we know that there has been, since that date, a studied endeavour on the part of non-Hindu Bengalis—not only of non-Hindu Bengalis but also of non-Hindu Indians—to try and put down the Hindus of Bengal as much as possible. I ask my learned friend again to place his hand on his heart and say whether his mentality is not the same and whether the report of the Delimitation Committee and the Government's memorandum thereon are not absolutely permeated by that idea.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, may I rise on a point of personal explanation? I would just tell Mr. Basu what the sources of my statistics are——

Mr. PRESIDENT: Is it your grievance that Mr. Basu has misrepresented you?

Khan Bahadur MUHAMMAD ABDUL MOMIN: No, Sir, I do not say that.

Mr. PRESIDENT: Then how can you rise on a point of personal explanation? In that case, you would be making a second speech, and I cannot allow you to do so.

Mr. W. L. ARMSTRONG: Sir, in this warfare which is going on, I should like to direct the attention to the position of coal in this province and its representation. You are aware, Sir, that the Indian Mining Association is represented here. It is a current idea that the Indian Mining Association represents the European large colliery interests and that the Indian Mining Federation represents the Indian smaller but still numerous interests. May I appeal to those who have our destinies in their hands in the matter of the delimitation of constituencies to consider increased representation of an industry raising a mineral which has contributed so very much to the prosperity of this province, and employment to the aboriginals and cultivators, an industry which fits in very well with cultivation in that the cultivator can work in the mines and have opportunity by periods of leave for attention to his crops.

Now, Sir, there are two seats held by the Bengal National Chamber of Commerce. The Bengal National Chamber of Commerce, I think,

will admit that when they acquired those two seats that it was largely due to the influence of men like Mr. N. C. Sarkar, who were prominent pioneers among Indians in the coal industry of the province. I do not ask the Bengal National Chamber of Commerce to relinquish anything that they have got. I do not want to deprive them of anything; all that I would suggest to them is to agree that there is nothing more rightly entitled to representation in this province—commercially and industrially—and that when commerce is discussed, they would not have an opponent but a colleague who will have special knowledge of the difficulties confronting this very important but neglected industry. I would like to point out that we have been handicapped in the past by the fact that coal questions have been dealt with by the Centre. There does not appear to be much response from the Centre and all that the big people in coal, who have asked for the abolition of the iniquitous surcharge on freight have managed to get is only a 2½ per cent. reduction, *i.e.*, from 15 to 12½ per cent., with a one rupee maximum. As one who comes from Newcastle, to which place coal is not taken, I may argue that as England's prosperity has been largely due to the discovery of coal in close proximity to iron ore, coal must be recognized as a valuable asset to Bengal for industrial use. You cannot make coal: no geologist can place it there.

I would point out, Sir, that the revenues contributed in the shape of freights on coal are enormous. I would, also, point out that the condition of the trade being as black as the mineral itself is such that coal labour is underpaid. Two years ago slack coal used for steam purposes was put into wagons and sold at Re. 1 per ton. That one rupee had in most cases to cover payment of royalties, overhead charges, supervision, surveyros' fees, staff, etc. How much then could be paid to labour? It is distressing for me to make the confession that in this province we have to employ labour much underpaid for the class of work they have to do.

Mr. H. S. SUHRAWARDY: This underpayment may be due to Government competition.

Mr. W. L. ARMSTRONG: Government's policy of coal purchases, and its raising coal ought to come before this Council.

I think I can rightly state that the new constitution will have wider responsibilities and powers. I want coal to be represented here, and there is nothing communal about it.

Mr. B. C. CHATTERJEE: You want that?

Mr. W. L. ARMSTRONG: Mr. Chatterjee need not be so perturbed. I am standing here making an appeal for the representation of an industry in Bengal in which Indians have considerable interests. There is nothing communal—it is commercial and industrial. It is fitting that coal should have prominent representation in the new constitution, and that is why I suggest a seat be reserved for the Indian Mining Federation.

Mr. PRESIDENT: What is your concrete proposal? You have said enough about the importance of coal.

Mr. W. L. ARMSTRONG: My concrete proposal is that the Indian Mining Federation should have a seat. All I want to point out is that while the Indian Mining Association has got one seat, what is called the Indian section—the Indian Mining Federation—composed of smaller elements in the trade, should have one at least of the two seats which it appears the Bengal National Chamber of Commerce are going to have. I do not put it forward as anything against the Bengal National Chamber of Commerce, but I only suggest that it would be a very good thing, commercially and industrially, for one of those seats to be held by one with a special knowledge of the coal trade and its difficulties.

Mr. S. M. BOSE: Sir, very many speeches have been delivered on very many topics. My views on certain important matters have been already fully expressed. So I propose to confine my remarks to-day to two important points only.

The first is about women's constituencies. The number of general women's seats allotted in the Lower House in Bengal under the Fifth Schedule of the Government of India Act, 1935, is 2 out of 256 seats. Women claimed at least five seats, and having regard to the proportion of women to men in Bengal, this claim does seem reasonable. But the Act has been passed and it is now too late to press this. Another point has been forcibly urged by Mrs. P. K. Bose, Member of the Advisory Committee, and supported by, I believe, all the women's organisations and some other important public bodies and individuals, viz., that women should be returned by a mixed electorate, consisting of men and women. This will have a very good educative effect. This view is in accord with that of the Indian Franchise Committee, as has been pointed out by Mrs. Bose, and it is indeed a matter of regret that the majority of the Advisory Committee should have turned down this excellent proposal. No real objection can be urged against this. If it

be said that women candidates will not be able to canvass a mixed electorate, the answer is, first, these women are wanting to sit in a House of 250 members of whom 245 will be males, and such women, whether Hindu or Moslem, cannot possibly be *Purdah;* secondly, their canvassing will be done both by men and women. I find from to-day's paper, that even in Behar and Orissa where women are much less advanced, the Advisory Committee have recommended a mixed electorate for general women's seats. I, therefore, press the view that the suggestion of Mrs. Bose should be accepted. Then, as regards the vexed question of allocation of the two Hindu and the two Moslem women's seats, naturally the excluded towns which are advanced, like Comilla and Chittagong, have protested against the recommendation of the Advisory Committee and of the Government to restrict seats to the Calcutta Municipal area and the Dacca-Narayanganj Municipal areas. The difficulty is due to the fact that over a vast province, there are only two seats for women in the general and two in the Moslem constituencies for women. If the constituency be made very large, it will undoubtedly discourage women of moderate means from standing; and our policy from the very first should be to encourage women to come forward. Mr. Khetra Mohan Ray proposes that one seat should be given to Calcutta, Howrah, Hooghly and Burdwan Municipal areas; and the other to Dacca, Narayanganj, Mymensingh, Comilla, Chittagong and Bakarganj. This will mean unwieldy constituencies for women who are for the first time coming forward to stand. At the same time I realise the force of the argument that franchise has a great educative effect; but qualified women outside the areas recommended will exercise their votes for male candidates. I venture to request the ladies to hasten slowly, and to accept for the first election in the small educated constituencies proposed. But let the Delimitation Committee recommend that for the second and subsequent elections, it will be open to His Majesty by Order in Council under S. 290 of the Government of India Act, 1935, to extend the limits of women's constituencies so as to include other urban areas.

The next matter which I wish to refer to is the question of increased urban representation. At present there are 11 non-Moslem urban seats and 6 Moslem or a total of 17. The Advisory Committee recommended that the number of general seats should be increased to 17, the number of Moslem urban seats being kept at six. But the Government have reduced the number of general urban seats to 11, and they have thus disenfranchised or reduced the seats at present enjoyed by towns. I enter my strong protest against this. What has been given and enjoyed for over 14 years should never be taken away. Sir, what we have we hold and we ask for more. That has always been the accepted policy and it is, I think, unfair that the privilege enjoyed since 1920 should now be taken away. Calcutta, as we know, was given six seats; having regard to the great importance of Calcutta—the second city in the

British Empire—I should have thought that the number of seats should have been increased, but instead of that we find that the number has been decreased to 4. Howrah, a city next in importance to Calcutta, had one seat; Hooghly had one seat and now they are lumped together jointly to have half a seat each. I need not go into the various details, but throughout we find an unreasonable suspicion of towns—why, I do not know. It is said that the men living in the towns are absolutely different in character from the men living in the country. I do not think so. Take a man living in the Mymensingh town; he comes from a Mymensingh village, he is in touch with his village home and spends one or two months there and although he may have to live in the town to earn his living as a pleader, or a clerk or a doctor, he is in living touch with his village; and I do not see why simply because he is living in the Mymensingh town he cannot represent the Mymensingh people. As you know, Sir, the intelligentsia of the district, whether Hindus or Muhammadans, all gravitate to towns; there they have an opening and have a chance of showing their worth; and men who are worth anything—the thinkers, the workers, the seers—they all go to towns and they are best fitted to guide the people of Bengal to get full Dominion Status. I, therefore, deprecate any attempt to cry down the towns.

Sir, accepting as we must, for the purposes of this discussion, the so-called Communal Award and the admittedly unjust Poona Pact, it is permissible to say that the position of the educated Hindus in Bengal has been gravely jeopardised by the proposed electorate, and that is why I ask for more urban seats. The educated Hindus of Bengal have been the upholders, the supporters of the British Government. English literature, English politics, and English culture have had no greater admirers in India than the educated Hindus of Bengal. Now, after a century, they are to be told that their help and co-operation in building up New Bengal is no longer required. They are now to be pinned and put into a position of permanent statutory minority. The phrase "His Majesty's opposition" so fondly dwelt upon by the Joint Parliamentary Committee becomes meaningless when that opposition is to remain in opposition all along.

Finally, Sir, I would appeal to the Government here and in England and say: "Trust the Hindus: have faith in their good sense and sagacity: and do not drive them to the wall."

Maulvi LATAFAT HUSSAIN: Mr. President, Sir, on behalf of organised Industrial Labour I must express my gratitude to the Select Committee and to those who gave non-communal decision for allotment of 8 labour seats to Bengal labour in the Provincial Assembly, and 2 seats in the Federal Assembly. And I must say that one of the best

points in the new constitution is that labour well enjoy joint electorates and that question of religion will not affect election of Labour representatives. My colleague Mr. K. C. Ray Chowdhury pressed very hard before the Advisory Committee for allotment of most of these seats to Trade Union Constituencies, but his idea was opposed by a majority on the ground that the Trade Union Movement is not strong in Bengal. I challenge this suggestion. I speak from personal experience of Trade Union Movement in the Jute Industry since 1918 long before this Council was constituted. In Bhatpara side where there are 13 Jute Mills and over 50,000 millhands are employed, I founded the Kankinara Labour Union with the co-operation of Mr. Roy Choudhury as far back as 1919 and this Union was registered in 1928. We began with only 100 members and the number increased to 2,900 in 1933. We claim to be the oldest factory Labour Union in Bengal and we are 8th on the List of Registered Trade Unions, the other 7 are Railway and Tramway Union, composed mostly of clerical staff, and of this 2 or 3 unions, i.e., Calcutta Tramway Union, disappeared. So did Assam-Bengal Railway and B. N. Railway Workers' Union; our membership according to the returns for the 31st March, 1934, was 2,981. This number is higher than any other union excepting E. B. Railway Employees' Association mostly composed of clerical staff and Bengal Nagpur Railway Indian Labour Union which spreads in Bihar and C. P. and Madras. I claim that this Kankinara Labour Union practically represents the labourers in Jute Industry; though it is located in Kankinara, millhands from all quarters—Garden Reach, Budge Budge, Champdany and Uluberia (Chengail)—come to us for advice and guidance. The Advisory Committee was misled by the small numerical strength, but it forgot the representative character of this single Union in Jute Trade.

It is well known in the Jute Industry that the suggestions of the Kankinara Labour Union are followed all over the Jute Mill Centres, as a large number of Hindus follow the suggestions of the Congress although its membership is small. The Moslems of Bengal follow the direction of Moslem League although its membership is not very large. It is most unfortunate that the claim of the premier Union in Jute Industry respected by employers, employees and public bodies had been forgotten by the Advisory Committee. In Bombay where *bond fide* Trade Union Movement is not strong, the Bombay Committee have allowed one seat each to four Cotton Labour Unions and if Mr. Gilchrist will kindly look up Bombay Returns of Trade Unions he will find that most of these unions are less old than ours and membership less than ours.

I therefore appeal to Government that for the sake of justice and fair play at least two seats should be given to Jute Labour Union as Jute Industry is by far the greatest of all industries in Bengal and

its employees number nearly 300,000 workers and Labour Legislation has much greater effect in jute labour than in any other labour, be it Factories Act, Workmen's Compensation Act, Trade Disputes Act and other Acts passed at Delhi and Simla.

Sir HARI SANKER PAUL: Sir, in connection with the delimitation of constituencies, the matter of the representation of Indian Commerce on the Provincial Legislatures under the Reformed Constitution has a far-reaching importance. We cannot view it in the same way now as we did seventeen years ago when the question came within the purview of Montagu-Chelmsford Reforms. Not only has the organisation of commercial interest in this Province undergone a remarkable change during the intervening period, but the very object itself of the special representation of commercial interest has been invested with a particular significance. During the last decade we have witnessed the growth of a large number of commercial organisations in connection with such important branches of trade and industries as Tea, Rice, Jute, Coal, small industries, etc. The mere fact that these have come later in the field than some enjoying franchise under the Montagu-Chelmsford Reforms must not lead one to surmise that they are any the less important than the pre-existing organisations. The prospective claims of these organisations are to be evaluated by only one test, viz., the importance of the role which these organisations are likely to play in the commercial life of the entire Province. We cannot at the present moment be guided by our old traditions because circumstances have greatly changed. No matter whatever has been the position in the past the allocation of the commercial seats should now be made to follow some well-conceived principles formulated with the definite idea of advancing the commercial interests of the Indian Mercantile Community of the Province as a whole.

It appears from the Memorandum published by the Government that the five seats for Indian Commerce in the reformed Provincial Legislature have been distributed thus: the Bengal National Chamber of Commerce 2, the Mahajan Sabha 1, the Marwari Association 1, the Muslim Chamber of Commerce 1. Even with serious thought given to this matter, I confess I have failed to appreciate the purpose and significance of this sort of disintegration of the Indian Commercial vote unless it is to be regarded as a concession to past traditions, or worse still, it is calculated to give particular voting strength to communal or sectional interests in commerce. Whatever might be the propriety or otherwise of introducing communal discriminations in the field of politics, there ought not to be two opinions about the most pernicious consequences of communal considerations being allowed to influence the allocation of commercial

seats in the Legislature. Commercial interests are fundamentally common to all communities in the Province and so the disintegration of the commercial vote on a communal basis has not even the least justification. More than adequate scope having been provided for communal representation under the Communal Award, a further grant of the right of separate representation to the Muslim Chamber of Commerce is not only superfluous but threatens to be immensely harmful to the economic well-being of the Province. The allotment of separate seat to the Muslim Chamber mostly composed of members hailing from the other provinces will thus be found highly undesirable because by perpetuating communal groupings in business it will adversely affect the economic progress by acting as a potent hindrance to concerted action of Indian Commercial community as a whole. In this connection I may draw the attention of the House to the fact that there is not a single parallel instance of such a pernicious system of commercial franchise in the rest of India. Our Muhammadan brethren having substantial commercial interest and powerful commercial organisations in Bombay and Madras are not allowed separate representation in the Legislatures of those provinces. The examples of our sister Provinces viewed in the light of what I have just said about the potential danger of the distributions of the Indian Commerce seats on a communal basis should actuate us to adopt the proposition as a fundamental principle. Let me hope that even my Muhammadan brethren will appreciate the grave implications of a communal allotment far outweighing the advantage of an extra seat and feel disposed to accept the principle that allocation of seats for Indian commerce should on no account be made on communal basis. I need hardly point out that the arguments I have just put forward apply equally against the allocation of any exclusive seat to the Marwari Association.

A second fundamental principle, which I hope the House will readily accept, may be laid down to provide that Indian Commerce seats should be reserved exclusively for such Indian Commercial interests as are indigenous to the Province. Non-indigenous business communities innocent of any accurate and intimate knowledge of the economic conditions of the Province, and further, naturally lacking in the urge for obtaining such knowledge, can never be expected to render expert advice or useful assistance to provincial legislatures. I may point out that it is this particular assistance which, according to the Lothian Committee, provides the justification for continuing special representation of commercial interests on the reformed legislatures. For the same reasons the organisations of non-indigenous commercial interests are not likely to take active interests in the economic development of the Province. Recognition of their right to separate representation would surely amount to allowing them a special

political privilege they are scarcely entitled to. It should appear to be all the more objectionable in view of the frequent conflict of interests amongst the Provinces.

We Bengalees are still backward in business activities and the bestowal of a political status on the non-indigenous interests would, by acting as an impetus to their exclusiveness, prove to be prejudicial to the commercial advancement of the people of the Province. Let me assure you that nothing is further from my mind than to suggest the imposition of any restrictions on the commercial activities of such non-indigenous interests; but separate representation is surely the last thing to which they can have any legitimate claim. Right of representation comes not from the magnitude of commercial interests of any community, as in such cases even the Japanese and the Americans in Bengal would appear to have a claim to it. Such right comes from the extent of its natural sympathy with the economic interests of the Province.

Now I should like to draw the attention of the House to a third principle which the proposed allocation of commercial seats must, of necessity, observe, namely, that the seats should not be allotted to any sectional organisations. The Government proposal to allocate one seat to the Mahajan Sabha involves, in my humble judgment, a direct transgression of this principle. A sectional disintegration of the Indian commercial vote is not only inadmissible in itself as being prejudicial to concerted action and harmonious development, but also apparently impracticable in view of the extremely meagre number of seats allowed to Indian commerce. How can you make a sectional allocation of only five seats to so many organisations representing important branches of trade and industry without being partial to a few and unfair to many. Such a scheme of ear-marking seats for particular sectional commercial organisations would shut out the excluded trades and industries from the opportunity of being represented on the legislature which in its turn will not be able to obtain expert assistance when confronted with the important problems concerning the said trades and industries. The only remedy for this state of affairs lies, you will admit, in the allocation of all the seats to a comprehensive central organisation of indigenous trade and commerce which can certainly provide even with a limited number of seats effective representation of all the commercial interests in the Province. Such a scheme should commend itself to you not only for its theoretical excellence but also for its practical merits in so far as a comprehensive organisation of the very type suggested is provided by the Bengal National Chamber of Commerce. This is a Chamber which is the oldest one of its class in India universally admitted to be premier Indian Commercial organisation in Bengal. It has now as many as seventeen sectional commercial organisations affiliated to it, representing such important branches of trade and industry as jute, rice,

tea, shellac, coal, etc.; with the seats allotted to it this Chamber would inevitably grow into a more powerful institution serving the interests of its constituent bodies with greater efficiency and at the same time rendering useful service to the Legislature. Small, self-contained isolated organisations can have their interests better served with the help of the Chamber when in its fold, than they can do by maintaining an isolated existence.

Summing up my arguments I can only say with all emphasis that instead of splitting up the commercial seats and distributing them among separate commercial organisations on communal or sectional considerations all the five seats should be allocated to the Bengal National Chamber of Commerce the membership of which, I am glad to say, is thrown open to all sections of the Indian commercial community having their principal centre of business either in Bengal or in Assam, without any distinction of caste or creed. Should the importance of any of its members and constituent bodies require them at any time to be represented on the Legislature, it can be achieved by the Chamber by the adoption of suitable conventions. Even should it be justified by virtue of their importance and trend of circumstances, a particular communal or sectional organisation may well find it quite possible to obtain through such a convention one of the seats allotted to the Chamber reserved unto itself. I need hardly point out that such a scheme would avoid all the dangers attendant on the allocation of the commercial seats on a communal or sectional basis, and provide full scope for concerted action which is the paramount need of the Province to-day.

(The Council was adjourned at this stage for 15 minutes.)

(After Adjournment.)

Sir HARI SANKER PAUL: In the course of his learned speech yesterday, my friend Maharaja Sris Chandra Nandy of Kasimbazar made a suggestion that the 19 seats allotted to Commerce, both European and Indian, should be thrown open to all *bona fide* businessmen, traders, and industrialists and that the elections should be held on the basis of joint electorate. I quite appreciate my learned friend's anxiety to get rid of the troubles arising from a scrambling for seats, and I presume that it is his anxiety to get rid of the troubles on this score that actuated my friend to suggest a scheme of joint electorate. I need hardly point out that at this stage the suggestion of my friend comes rather a little too late in so far as it relates to the Communal Award. But even in regard to its bearing on the allocation of five seats for Indian Commerce, I may point out for one thing, as the Senior Vice-President of the Bengal National Chamber of Commerce, that in making the suggestion my friend has not voiced the considered opinion of the Chamber which has already been communicated to the

Government and of which the salient points are already contained in the Memoranda of the Chamber published in the Second Volume of the Report of the Delimitation Committee. I may however point out, in fairness to my friend, that it is the same anxiety to avoid a disintegration of the Commerce Vote on a communal or a sectional basis that led the Chamber to put forward its claims to all the five Indian Commerce seats.

On one more point I deem it my duty to point out that the observation of my friend reflects personal opinion of his own. My friend has expressed his gratification over the allotment of a seat to the Bengal Mahajan Sabha. It was, I suppose, only very natural for the Maharaja as the President of the Mahajan Sabha to welcome the proposal of the Government in regard to the allotment of the seat to the Mahajan Sabha, to which I may point out, by the way, that the Chamber entered an emphatic protest in their Memoranda submitted to the Delimitation Committee, as involving a violation of the principles enunciated by the Chamber in this connection, particularly those relating to the dangers of a disintegration of the Commercial Vote.

Maulvi ABI ABDULLA KHAN spoke in Bengali. The following is an English translation of his speech:—

Sir, the Delimitation Committee's Report on the constituencies in the Bakarganj district appears to me unjust and unreasonable, especially that portion of it which deals with the constituencies in the Patuakhali subdivision. I think the Committee has not fully considered the different aspects of the country such as area, internal conditions and difficulties of communications. Of all the subdivisions of Bakarganj, Patuakhali has the largest population and the biggest area. This subdivision has always been the worst sufferer under the injustice done to it by Government in all matters concerning education, Government services and distribution of seats in the legislature. Comparing Patuakhali with other subdivisions of the Bakarganj district we find that Patuakhali has an area of 1,182 sq. miles, Barisal Sadar 997 sq. miles, Pirojpur 675 sq. miles and Bhola-Dakshin Sahabajpur 667 sq. miles. There are two Government High English Schools in the Sadar subdivision, one at Pirojpur, one at Bhola, but none at Patuakhali. Also, the numbers of Government aided schools at the Sadar subdivision, Pirojpur, Bhola and Patuakhali are 15, 8, 3 and 2, respectively. The Delimitation Committee has awarded three seats to the Sadar subdivision, two to Pirojpur, two to Bhola-Dakshin Sahabajpur but the biggest subdivision of Patuakhali has to remain content with only two seats. Considering the population, area and other points, Patuakhali has an undoubted claim to at least three seats in the Council. Perhaps, the idea underlying the delimiting of different constituencies is to provide facilities for the representatives of the people to gain an intimate

knowledge of the needs and grievances of the electorates they represent and to bring them up for discussion before the Council. But I am afraid the insufficient number of seats which has been assigned to a big subdivision like Patuakhali will not enable the popular representatives of the place to do full justice to the said principle.

For the efficient functioning of local self-government Patuakhali is divided into two sections, viz., East and West. But the Committee has, for reasons best known to it, divided this subdivision into two different sections, viz., North and South. This method of dividing the subdivision is absolutely unreasonable and unjustifiable. In view of the facts set forth above I beg to propose that (1) three Muhammadan seats instead of two be assigned to the Patuakhali subdivision and one seat in place of two be allotted to Bhola; (2) that Patuakhali be divided into two constituencies, East and West, and not into North and South.

Maulvi RAJIB UDDIN TARAFDER: Mr. President, Sir, many illuminating speeches and heated discussions have been made on the delimitation of seats in Bengal under the forthcoming Indian Reform Constitution. The subject is unquestionably a very important one and as such it has engaged for a long time the attention of great politicians of both India and England. From the beginning of the Round Table Conference down to the present time many conferences were held, Commissions and Committees appointed and schemes prepared but with no agreed solution. How long the Government will have further to tackle the problem, it is difficult to imagine.

It is, however, my good fortune and unique privilege that the Hon'ble President of this Council has very kindly given me an opportunity of expressing my opinion on this important and much-discussed subject. I do not find any necessity whatsoever in the introduction of two chambers—Upper and Lower. It is indisputable that by the Upper House the interest of the rich only will be safeguarded in its entirety, but for obvious reasons no benefit will be derived by the public in general, far less by the peasant community—the actual tillers of the soil. I am pained to refer to another salient fact on the delimitation of seats. Two hundred and fifty seats have been allotted to Bengal under the Reforms, and the Delimitation Committee have, by their wide experience and keen political insight, duly assigned these seats to almost all sections and sub-sections of people, Hindus, Muhammadans, Moneylenders' Association, Marwari Association, Depressed Class and even women are not excluded; but strange to say that no representation has been allowed to the agriculturists who are the backbone of the country and who form the overwhelming majority in the province. If representations are deemed necessary for such a small group as the Landholders' Association for whom 5 seats have been allotted, and as well as for other minor Associations, why no provision for proper representations be

made for agriculturists whose number is about four and a half crores out of a total population of 5 crores in the province. This is clearly an indication of positive affront to the agriculturists as a whole. One may say that they have got no organization of their own leading to the recognition of their representation in the legislature, but then I must say with all the emphasis at my command that the agriculturists of Bengal are now well organized, having formed a recognised and most representative Association called "The Nikhil Banga Proja Samity" whose popularity and importance can be all visualized from the fact that all subdivisions in this province have got branch organisations of this central body whose numerical strength goes as high as 30,000. The Hon'ble Khan Bahadur M. Azizul Haque, Minister of Education, has long been a member of this Association and Sir Abdur Rahim, K.C.S.I., President of the Legislative Assembly, is its President, Maulana Muhammad Akram Khan, Secretary, Maulvi A. K. Fazlul Haq, M.L.A., Mayor of Calcutta, is one of the most distinguished members of this Proja Samity. Besides, Khan Bahadur M. A. Momin, C.I.E., M.L.C., Babu Amulyadhan Ray, M.L.C., Rai Sahib Panchanan Barma, M.L.C., Maulvi Abdul Hamid Shah, M.L.C., are amongst the prominent members of this Association. Over and above this there exists in this very House a full-fledged Proja Party consisting of not less than 30 members. (Interruption.)

What I want to emphasize here is that such an important and most representative body should on no account be brushed aside while considering the allocation of seats in the legislatures. It is only just and fair that due consideration should be given for the representation of the agriculturists whose legitimate claims have been deliberately neglected. My earnest request, therefore, to the benevolent Government is that they should see that at least four seats may be kept reserved for the agriculturists through their provincial organization, namely, "the Nikhil Banga Proja Samity."

Maulvi RAJIB UDDIN TARAFDER spoke in Bengali and when he was speaking about the Nikhil Proja Samity, Maulvi Abul Quasem rose on a point of order.

Maulvi ABUL QUASEM: Is this in order? There was no constituency set apart for peasants and cultivators: the Committee were asked only to allot seats to certain well-defined areas and institutions.

Mr. PRESIDENT: You cannot object to his giving out certain views with regard to an institution which he may consider to be very important.

Dr. AMULYA RATAN GHOSE: Sir, though I was not able to attend the Council and hear the debate yesterday I have read with

interest the speeches made by the learned members and I cannot but congratulate my friend Mr. Nausher Ali in the plain and outspoken way in which he has spoken out the truth and though he could not find much support of his views amongst his co-religionists, I am sure the time is soon coming when Muhammadans of Bengal will find out the errors of their ways and realise what a great mistake they have done by their clamour for separate electorate. Coming now to the question of delimitation of constituencies I feel it my first duty to enter my humble protest against the injustice done in the Government proposals to urban areas both as regards the number of seats as well as the method of delimitation. It appears that though the total number of members of the Provincial Lower House is going to be increased from 140 to 250 the number of seats allotted to urban areas will remain the same as before, viz., 11 for general and 6 for Moslems. The Provincial Advisory Committee on the delimitation of constituencies proposed 17 general urban seats including 6 for Calcutta, 1 for Howrah, 1 for Hooghly, 2 for 24-Parganas and 1 for Dacca City as at present. The Government has, however, turned down their proposal and reduced the number to 11. They have created several new urban constituencies and reduced the seats for Calcutta from 6 to 4 and have combined the municipalities of Howrah and Hooghly districts into a one-member constituency. The City of Dacca is also going to be grouped together with other smaller municipalities in the Faridpur and Mymensingh districts far off from one another. So though the total number of seats in the House is going to be almost doubled, the urban areas remain where they were and Calcutta, Dacca, Hooghly and Howrah are deprived of their separate representation. Here I must say very strongly that a grave injustice is going to be done on the urban areas and I lay special stress on the seats of Howrah which I represent. Sir, the importance of Howrah need not be exaggerated. It is next in importance to the Corporation of Calcutta. As at present the Howrah Municipal area with that of Bally forms a constituency known as Howrah-cum-Bally but in the new delimitation it is proposed that Howrah to Hooghly should make one constituency and thus only one seat shall be allotted; this will be extremely unreasonable and unjust, and I strongly protest against this proposal. Then, again, Howrah rural has one seat and Hooghly which has almost the same number in population (with a slight increase) is proposed to have 2 seats; of course in that case Howrah rural ought to have 2 seats. It is said in the Government Memorandum that the urban areas have been getting a heavy weightage in the present Council and if the distribution is made on population basis the number of general (non-Moslem) seats allotted to urban areas should be reduced from 11 to 9, in spite of an increase in the total number of general seats and that of Moslems from 6 to 4. Sir, if in the matter of representation everything could be made to depend on population strength, Europeans and Anglo-Indians in Bengal

would not be entitled even to one seat in the legislature. Population is no doubt an important factor, but advancement and importance are also very important factors in the matter of representation to legislature. The importance of Calcutta, Howrah, Dacca and the riparian municipalities on both sides of the Hooghly in all spheres of human activities cannot be exaggerated, and it is certainly a matter of great surprise that an attempt should be made to curtail the representation of the metropolis and of these principal towns in an enlarged legislature. It is difficult to explain the reasons unless it is to curb the political life of Bengal.

Then again territorial constituencies should be as compact as possible. In his letter to Sir Laurie Hammond, President of the Indian Delimitation Committee, published in the Press, the Marquess of Zetland says:—

"As regards the delimitation of territorial constituencies His Majesty's Government, while they are content to leave your committee a wide discretion in matters of detail, are anxious that you should make it your general aim to ensure, as far as the conditions permit, 'the maximum degree of contact between candidates and electors and the convenience of both, due regard being paid to administrative needs, the ideal to be aimed at being constituencies manageable in area, in the number of voters and in physical characteristics.' They wish to draw your special attention to the importance of securing a reasonable balance between representation of town and country in the new provincial legislatures and you will no doubt have regard to the observations of the Indian Franchise Committee on this point in paragraph 95 of their report."

And as a correspondent in a daily paper very rightly asked: How can the maximum degree of contact between candidates and electors and the convenience of both be ensured if a constituency is composed of one small area here and another small area 200 miles away? If as stated by the noble Marquess the ideal to be aimed at is a constituency manageable in area, in number of voters and in physical characteristics, it is impossible to justify the Government proposals where it is proposed to group Jhalakati in the district of Bakarganj with Brahmanberia in the district of Tippera, probably 200 miles away from each other, or a proposal to group the scattered municipalities of Burdwan, Bankura, Midnapur and Birbhum into one constituency. Small municipalities would rather be conveniently grouped with the neighbouring rural area than tacked together with urban areas far away from one another. The municipalities in the 24-Parganas have very little in common with the municipalities of Jessore or Murshidabad and the latter would probably like to be grouped with the neighbouring rural areas rather than being swept away with numerous municipal voters in the 24-Parganas. Small municipalities when tacked with a big

municipality like that of Howrah or Dacca will seldom have a chance of sending a man of their own choice. If it is not possible to increase the number of urban areas it would certainly be in the interest of all concerned to leave the urban constituencies as at present constituted instead of creating new urban constituencies and to grouping the smaller municipalities with the neighbouring rural areas as now.

Then again, Sir, I do not know why it has been proposed to deprive the scheduled caste population living in the towns of their right to influence the election of the scheduled caste representatives. I know that this division of the Hindu society into caste Hindus and scheduled caste Hindus has been highly arbitrary and awfully unfair not only to the Hindus but also to the province as a whole. But I believe this is not the time or occasion to raise that question. If, however, it has been decided to give the scheduled caste population some sort of separate representation it would certainly be unfair to those large number of scheduled caste population living in towns to deprive them of their right to exercise their votes in the election of the representatives of their own group. Have the members of the scheduld caste lost their caste, Sir, by mixing with the people of the urban areas? I admit that the number of the scheduled caste population is larger in the rural area than in urban areas, but that is no justification for depriving urban population whose number is not inconsiderable of their votes. It is not difficult to devise means by which they can vote together with the rural population in the adjoining rural areas. In their case separate constituencies should be formed combining the municipal areas with the adjoining rural areas.

Women's seats.—As regards the women seats again, the 2 seats available have been allotted to Calcutta and Dacca cities only. This is certainly not fair to the rest of the province and I hope Government and Sir Laurie Hammond's Committee will take note of the feelings that have been expressed in the press that one seat should be allotted to West Bengal and one to East Bengal. Or, may I suggest that the whole province may be treated as one constituency for the election of two seats each voter having 2 votes.

Moslem seats.—The number of Moslem seats has been increased from 39 to 117. Yet the number of urban Moslem seats remained the same. No doubt the Muhammadan population is mostly concentrated in the villages, yet the Muhammadan urban population who are certainly more advanced in education and trade may possibly claim a little more consideration.

As regards the commerce seats, Sir, I must say that the Europeans have been very favourably treated in the matter of allotment of 19 Commerce and Industrial seats. Why divide commerce and industry into communal groups? Communal interests, if there be any, the

Europeans, Anglo-Indians and Moslems have been more than adequately protected in the allotment of general seats. Let there be no discrimination on communal lines in the field of commerce. Let an experiment be made of open competition in the matter of commerce and industry seats. Why not allot all the 19 seats to commerce and industry generally and throw the election to voters belonging to all the communities engaged in commercial and industrial undertakings? The 19 seats may be divided into 19 territorial constituencies rather than being allotted to chambers and associations. Let Europeans, Anglo-Indians, Moslems and Hindus vote in the same commerce constituency with the interests of industries and commerce alone in their minds and forgetting the communal bias. This will be a training ground for the future democrats. I appeal to the Government as well as to all the communities in Bengal to think of this proposal with an unbiased mind. In case this view does not find favour with the authorities, I feel bound to claim that at least 10 out of 19 of the commercial seats should be reserved for the children of the soil. The Europeans have no doubt great commercial interest in this country but the interest of the Hindus and Muhammadans are no less and there is no justification for allotting 75 per cent. of the seats to the Europeans leaving only 25 per cent. to the people of Bengal. As regards the allotment suggested in the Government proposals I fully agree with the note of dissent—a very valuable note of dissent—I must say of my friend Mr. Sudhangshu Mohan Bose in respect of the allotment of one seat to the Muhammadan Chamber of Commerce, a Chamber inaugurated after the memorable communal award was published and formed as it is well known with the intention of capturing a seat in the Council. Mr. S. M. Bose has done very well in referring to His Highness the Aga Khan's letter published in the papers in which he had advised the Muhammadans to capture seats allotted to special constituencies so as to have absolute Muhammadan majority. The Muhammadan Chamber of Commerce was born after this memorable letter was issued. In this connection I congratulate the Hon'ble Sir Bijoy Prasad Singh Roy on the valuable support he has rendered to the dissent of Mr. S. M. Bose in the Report of the Provincial Advisory Committee. I do not think I can improve on the arguments against the allocation of the seat to this Chamber adduced by Mr. S. M. Bose. All that I can hope is that Sir Laurie Hammond's Committee will see to this again and come to definite findings that commerce should not be looked at from communal standpoint of view and hold that the claim of this Chamber to a seat in the Bengal Legislature rests on a very unsafe foundation.

Mr. SARAT KUMAR ROY: Sir, I regret that in spite of our persistent protest from the very beginning of the Reform proposals,

our claim for adequate representation in the future constitution of the Government of Bengal, and particularly in that of the Legislatures in Bengal, has been hopelessly ignored.

I think it cannot be gainsaid that the landholders as a community have the greatest stake in this province. They have always been conscious of their serious responsibility for good Government and particularly in the maintenance of law and order in the province. Besides, they regularly meet the demand for Land Revenue in spite of various difficulties and handicaps in the way, thus ensuring the stability of finance of this Provincial Government. Naturally, one should expect that their claim for adequate representation is recognised in all the spheres of the Government.

But it is extremely regrettable that although we cried ourselves hoarse, still in the Bengal Legislative Assembly we have been given not more than the same number of seats in a House consisting of nearly double its present strength; while there is absolutely no mention whatsoever about them in the constitution of the Bengal Legislative Council, that is, in the Upper House. That indeed is a sad mistake.

Instead of dividing the Upper House on a communal basis, the distribution of seats there ought to be according to the principal interests and stakes in the country. Hence I move that the landholders be given more and adequate representation in the Lower House and also at least one seat in the Upper House.

Babu LALIT KUMAR BAL: Mr. President, Sir, a serious injustice has been done to the scheduled castes of the Bakarganj district by reserving only one seat for them and by allocating that reserved seat to the North-East Rural (General) Constituency (Sadar and Bhola subdivisions) instead of the South-West Rural (General) Constituency (Patuakhali and Pirojpur subdivisions) of that district. The memorandum says that seats have been distributed on population basis. But the numerical strength of the scheduled castes of the Bakarganj district excluding municipal areas is 407,939 and is apparently far greater than even double the number of Scheduled castes of each of the districts of Malda, Murshidabad, Nadia and Howrah excluding Municipal areas. It will be found from the memorandum that even the general population of the district of Malda is far less than the Scheduled castes population of the Bakarganj district. So, apart from other considerations, from the standpoint of population alone which has been the only criterion for distribution of seats, the Bakarganj district ought to get two reserved seats for the Scheduled castes. Leaving aside the question of population, the Scheduled castes of the Bakarganj district are entitled to two reserved seats also in consideration of the political consciousness and the spread of education among the Scheduled caste people of the

Bakarganj district as well as of the extremely difficult communications in different parts of the same on account of the innumerable rivers and canals existing therein.

Sir, it will be remembered that the Communal Award provided ten seats for the Scheduled castes of Bengal by separate electorate and this Communal Award was subsequently amended by the Poona Pact by raising the number of seats to 30 and introducing the system of joint electorates for election to these seats with a panel of four persons elected by the Scheduled castes for each of such reserved seats. The principle upon which His Majesty's Government proceeded to introduce the system of separate electorate for the Scheduled castes and upon which the panel system was subsequently introduced in the Poona Pact was to ensure genuine representation from the Scheduled castes and the very fact of the introduction of the panel system for the Scheduled castes goes clearly to show that His Majesty's Government and the promoters of the Poona Pact were prompted by a desire to ensure such genuine representation. The Provincial Advisory Committee has deviated from this fundamental principle by allocating reserved seats to certain districts, namely, Malda, Murshidabad and Howrah, where the caste Hindus are predominating in every respect, and particularly in respect of numerical strength and consequently the Scheduled castes have no chance of sending their genuine representatives from these districts. Following the principle of genuine representation from the Scheduled castes, the Government should allocate reserve seats in greater number to those areas like the district of Bakarganj where the Scheduled castes are more numerous than the caste Hindus. If the Government, after careful consideration, finds it absolutely impossible to reserve two seats for the Scheduled castes of Bakarganj, then the reserved seat which has been allocated to the Bakarganj North-East Rural (General) Constituency (Sadar and Bhola subdivisions) should, on the same principle of genuine representation, be transferred to the Bakarganj South-West Rural (General) Constituency (Patuakhali and Perojpur subdivisions) with a view to ensure such genuine representation of the scheduled castes from that district. It will be seen that scheduled caste population of the Bakarganj South-West Rural (Patuakhali and Pirojpur) is 224,549 whereas that of the Bakarganj North-East Rural (Sadar and Bhola) is only 189,390 and the population of the caste Hindus in the two constituencies is 130,637 and 244,338 respectively. So, on the very principle, the principle of population basis upon which the seats have been distributed, as well as to ensure genuine representation of the scheduled castes from the Bakarganj district, the Government should be well advised to transfer the reserved seat from the Bakarganj North-East Rural to the Bakarganj South-West Rural (Patuakhali and Pirojpur). I appeal to the Government to give due and careful consideration to both of our legitimate claims.

Sir, I accord my whole-hearted approval to the general principles followed by the Provincial Advisory Committee on the subject of delimitation of constituencies, namely, the separation of rural areas from the municipal areas and the general and scheduled castes population as the basis for distribution of seats in the general and scheduled caste constituencies. On these points and on other points concerning the subject, we have already expressed our detailed opinion through the All-Bengal Depressed Classes' Federation for careful consideration of the Government.

Maulvi SYED MAJID BAKSH: I do not like to speak in this Council for a very long time, because after two days' debate very little has been left unsaid. I have a rather parochial instinct and would speak of my own constituency of Jessore and the way in which seats have been allotted to it. I begin by saying that on the whole I heartily endorse the Government memorandum distributing the seats in the district of Jessore. The Delimitation Committee's distribution of seats is rather, to my mind, iniquitous. It was the vivisection of all subdivisions taken together and the regrouping of it which was unnecessary because if all subdivisions have got to be dissected and regrouped it is as good as keeping them whole and entire. I believe the committee was actuated by the motive of redistribution of population, but I think, taking the distributions as they are, when in the case of Hooghly with 145,000 population it has been given one seat, I do not think there is any inequity in giving Bongaon with a population of 158,000 another seat. In this way I think the Government memorandum of the distribution of seats and delimitation of constituencies is judicious, equitable and fair. On the other hand, I think that the distribution of seats as advised by the Provincial Advisory Committee is unfair and unconscionable. I therefore oppose this proposal of the Advisory Committee and support the Government proposal and I think the Delimitation Committee which is coming from England will agree with me.

As regards the Legislative Council seats, I entirely agree with my friend Maulvi Abul Quasem who though coming from Khulna did not ignore the fact that Jessore along with Khulna has been treated very badly. I endorse every word he says, and I would not like to repeat what he has said. In the objection that I have submitted to the Government I have suggested that instead of the entire district of 24-Parganas, *minus* of course the municipalities and cantonments, being tacked with Jessore and Khulna, and leaving Nadia and Murshidabad by themselves an equitable distribution may be made in the matter of population by distributing the thana of 24-Parganas as is necessitated by the exigencies of the situation to these two districts. I do not think that there is any justification in treating Nadia and

Murshidabad in a more favourable light than Jessore and Khulna. If another seat could be given to 24-Parganas, I have no objection, but I strongly object that these two districts should be linked with the district of 24-Parganas making a huge total of population in the constituency which is without a parallel in this province. I do not like to go into controversies or generalities. Much has been said about it, and I hope that these remarks will be sent on as has been suggested to the Delimitation Committee when it comes, with the necessary views, if any, which may be expressed by the Government.

Mr. P. BANERJI: Several members congratulated the Hon'ble Member yesterday on Government's decision, and others criticised it in most objectionable terms. I do not know if there was any criticism from this side of the House or whether the Hon'ble Member will congratulate himself when he hears it. I was struck by the one principle and one motive which was apparently all over the report of the Delimitation Committee, and that has been referred to by Dr. Sen Gupta also. Dr. Sen Gupta in scathing terms criticised the policy of the Government; he said the only policy of the Government was to shut out the Nationalists from the coming Constitution, and it was proved beyond doubt that not only was this criticism made by Dr. Sen Gupta but Maulvi Nausher Ali to which objections were taken, not only yesterday but to-day, by those Muhammadans whom I may term as rank Communists. Nationalist Muhammadans like Maulvi Abdus Samad and others are not afraid of being known as Nationalists to-day. The time is not far distant when they will find that under the new Constitution Mr. Suhrawardy even will not be here. (MR. SUHRAWARDY: No, no. I will come here again.) I shall explain what his opinion will be then. I will begin with one thing, the Labour seats in which Mr. Suhrawardy is very much interested. Mr. Ray Chowdhury, who is not here to-day, says that in this new Constitution Labour has been very shabbily treated, in spite of all the help he gave to Government in season and out of season.

Mr. PRESIDENT: Order, order. Will you please withdraw those words?

Mr. BANERJI: I have no objection to withdrawing, but Sir, in your absence yesterday, he did say so. I submit to your order, but I will prove to you whether Labour has been shabbily treated or not. I will show you how Labour Unions have been treated. It was pointed out yesterday that the Government had done this with a motive. All the Trade Unions have not been recognised. There are already 80 registered Trade Unions in Bengal, and out of these 80 unions only two have been recognised. One is the Trade Union of

Railway Workers, and the other is the Trade Union of Mill Workers. We cannot understand why these two trade unions have been specially treated while so many have been registered. Government in reply to a question by a member said that they disallowed certain suspected labour unions in this country, but still other organisations in this country have not been taken into consideration. I will mention some of them: The Postal Workers' Union, the Tramways Workers' Union, the Telegraph Workers' Union, the Corporation Workers' Union, the Dockers' Union, the Gas Workers' Union—all these have no place there. The Government of Bombay have accepted these unions, so I cannot understand why they have not been accepted by this Government. It is not fair, I should say, on the part of this Government. Our Government usually follow other Governments in other Provinces, why have they not done so in this matter? What is the fear of the Government of Bengal? The Government here thought if they recognised the trade unions, all of them here, then only Nationalists will come to the Council. The whole underlying policy of the Government is to shut out the Nationalist as far as possible. That is their whole policy. As you know Government of Bengal sent many members of trade unions to jail, and even after bringing them out of jail. I consider this has been the policy of Government of Bengal. They should not do so. They should help Indian organisations or unions. They might maintain that the organisation is not very right, but still it is in existence and it is a recognised organisation. Therefore, instead of 4 seats that have been given, one should be given to the collieries, another to the tea gardens. What will be the position of representatives of these Labour Unions? They will come under the dictation of the capitalists and genuine Labour Unions will have no place in this constitution. In the name of Labour the people will go against the interests of Labour. That is the policy set out so far as Labour seats are concerned. I will not take much of your time to discuss the weightage or percentage of weightage that is given to urban areas or rural areas, as there has been a lot of criticism on this matter. I would only point out, as was pointed out by Mr. Shanti Shekhareswar Ray yesterday, that the Committee did not do anything which could not be done by a clerk of the Secretariat. The rural areas of the 24-Parganas have been allotted two Hindu seats—one for the Sadar and Bauria subdivisions excluding the municipal areas, and the other for Barrackpur, Baraset and Diamond Harbour subdivisions. I fail to understand the object of making a constituency like that. It has been said by several speakers that the constituencies have been made unwieldy. If it is necessary it has to be done, because there has been extended franchise. But at the same time it must be done with a certain amount of common-sense. In the fitness of things Diamond Harbour which is at the one end of the district should have been grouped together with the Sadar subdivision

in the south, and Barrackpur, Baraset and Bashirhat grouped together in the north. If there be an inequality of population in these areas, I submit that some of the thanas from one part may be grouped with another part as has been done in other districts, in order to make up the deficiency of population.

I will just give another instance. The district of Midnapore has been given seats. Now take the case of the subdivisions of Tamluk and Contai which have been grouped together and given three seats. There also the thanas have been divided up and some thanas from Tamluk subdivision have been merged in another subdivision, in order to ensure equal distribution of seats according to population. I have one or two remarks to make about the representation of commerce. Serious objections have been taken to allotting a seat to the Moslem Chamber of Commerce and there was a lot of controversy too. I have no objection to giving the Moslems more seats, but what I do want is that the nationalists, whether they be Hindu, Moslem or Depressed Class, should come in. But in the new Constitution the underlying policy of Government has always been to shut out the nationalists. As I have pointed out, we are afraid of such arguments as were advanced by Khan Bahadur Maulvi Abdul Momin to-day and Maulvi Tamizuddin Khan yesterday. When I talk of nationalist I am always interrupted. They fear that the whole policy would————

Mr. PRESIDENT: You were talking something about the commercial seats. Do not be carried off your feet.

(At this stage the member, having reached his time-limit, had to resume his seat.)

Mr. H. S. SUHRAWARDY: I shall refrain from dealing in detail with the proposals of the Delimitation Committee and the changes made therein by Government, as the proposals and a large volume of memoranda will again be considered by the Delimitation Committee. But there are certain general aspects to which I shall refer. But before I do so I hope you will permit me to join issue with Maulvi Nausher Ali who has let down our community. I do not wish to repeat the arguments which have been advanced with regard to separate electorates on the floor of this House but separate electorates are necessary not only for the Moslems but as the best method of representation. But I do wish to say that our demand for separate electorate is in no way due to inferiority complex on our part or any desire on the part of any one of us to come in by the back-door when he sees that he will not be able to come in through the system of joint electorate. Such charges as were made by Maulvi Nausher Ali do not redound to the credit of those who make them. Certainly I admit that the Moslems are inferior in many respects. For one they desire to keep their women away from

the turmoil of the election and their women themselves do not take advantage of the votes that have been given to them. They have not the opportunity which is necessary to capture the votes and bring the voters to the polling station; they have not the influence and capacity which the landlords and money-lenders possess. They do not know how to manipulate the voters and the voters' list and the census, and they have no desire to raise the communal issue at the time of the elections. Inferiority in these matters by no means connotes that they are not superior in administrative ability or that they cannot work in promoting the happiness of the greatest number. Joint electorate does not mean the triumph of better man. It means the triumph of those who belong to the majority community and the triumph of those who can exploit and rouse communal feelings and are past masters in playing off one against the other. I hope Maulvi Nausher Ali will give due heed to this before he runs down the superior wisdom of his community.

As far as Mr. P. Banerji is concerned, I join issue with him when he says that those who speak in favour of separate electorate are rank communalists. On the other hand, they are the true nationalists, because they want proper representation: from them will arise a young Turk who will keep the communalists in their proper place, and then I do not know whether Mr. P. Banerji will find a place in this Council.

Now, coming to the proposal, the first point which strikes me is the constant attack on the urban representation by members from the *mufassal*. It seems to me that these attacks are really a defence. Those members know perfectly well that the urban areas have been treated most shabbily, hence they anticipate criticism by counter-criticisms.

When Mr. N. K. Basu was speaking I must confess that I was unduly perturbed by the large measure of agreement in which I found myself with his speech, but a little after he relieved my embarrassment by coming down to his proper place and by vilifying the Moslems in his best way. The point on which I agreed with him was with regard to the proper representation of the urban area. I feel gratified to some extent to see that in the Instrument of Instructions that has been issued to the Delimitation Committee two points have been mentioned which in my humble way I tried to place without any measure of success before the Provincial Delimitation Committee. The first point was that there ought to be some reasonable proportion between urban representation and the representation accorded to the rural areas. There is no doubt whatsoever that you cannot possibly proceed on the basis of population in giving representation to the urban areas. Many of my Moslem friends have been carried away by the rule of thumb as if population is the only thing which ought to justify the number of

persons to be allotted to any particular constituency. We all know and even all the members must confess that they themselves have deserted the rural areas to find a place in the urban areas, that the intelligentsia do gather in the urban areas and the people of the rural areas do send their children to the urban areas for the purpose of education. I was glad to see that Maulvi Abul Kasem gave due measure of praise to the importance of Calcutta, although I disagree with him when he says that Bengal can get along without Calcutta. Producers may produce in rural areas, but Calcutta turns their produce into money, and the importance of Calcutta therefore cannot be minimised. Although I speak of the Moslem seats, although the seats in the New Constitution will be three times their number in the present Constitution—namely, in place of 39 seats in the present Constitution we are going to have 117 seats—the number of seats allotted to Calcutta still remains two. It is anticipated that the number of voters will be 10 times more than the present number. Every one who pays the slightest municipal rate and tax will have a vote; every matriculate or anyone of a similar standard will have the advantage of voting. If all of them take advantage of the vote then the number of voters in Calcutta will be so great that it will be impossible for any person to manipulate them or to take advantage of those votes or to reach the voters. The Muslims of Calcutta have met together at a meeting and have claimed 4 seats. I think that their demand is, by no means, immoderate. I do not expect the Delimitation Committee to accede to the demands of the people of Calcutta because the Committee happens to be overridden by rural interests, but I hope that the Delimitation Commission will consider the claims of Muslim Calcutta and accord them their proper share.

Sir, the second point which I stressed in the Committee and which was agreed to in one or two instances was that population ought not to be the sole criterion for according seats but that you should consider not only the population but also the area which a particular member will have to cover. It is stated in the Instrument of Instructions that the constituencies should not be so large that the members will necessarily be out of touch with their constituents. It should be so compact that they may be able to come into contact with it. Now, Sir, when we find that a constituency which enjoyed one seat under the old constitution and still gets one seat when the number of voters are increased by about 4 to 7 times, then it is absolutely impossible for such a member to keep in touch with his constituency. This is a point which the Delimitation Commission ought to consider when it considers the proposals of Government.

Coming to the seats allotted to the Chambers of Commerce, namely, the industries and commerce seats, I desire to consider the subject only from the point of view of industry and commerce and not from the point of view of Hindus or Mussalmans. The result would be the same if I

were to stress the necessity of more representation for the Muslim Chamber of Commerce. We know that there are four bodies that are vying with one another for representation. The first is the Bengal Mahajan Sabha, to which one seat has been given, the Indian Mining Federation being relegated to the back grounds by Government. The second is the Bengal National Chamber of Commerce which has got two. One seat has been given to the Marwari Association, and one to the Muslim Chamber of Commerce. To begin with, the Bengal Mahajan Sabha, as Khan Bahadur Abdul Momin has pointed out, cannot, by any logical means, claim a seat from those reserved for Industry and Commerce. This is a mahajans' association and its members primarily lend out money. (Question.)

Mr. ANANDA MOHAN PODDAR: Sir, may I offer a personal explanation? The Bengal Mahajan Sabha does not represent money-lenders only: it represents the inland traders of Bengal.

Mr. H. S. SUHRAWARDY: Possibly, it does represent to some extent the inland traders. After the mahajan has captured the produce of its debtors and got hold of their money, to that extent the members of the Mahajan Sabha may represent the inland traders but even then inland traders are a vastly different thing from commerce and industry. (Mr. Ananda Mohan Poddar: You will be well advised if you just go through the report of the Southborough Committee.) And it seems that the one seat which has been allotted to the Mahajan Sabha is simply due to the fact that at some time in the distant past when it was started as a new and separate organization Mr. Poddar's association was able to capture the sympathy and imagination of a particular Government. And that is the reason why we too in the Committee have allotted one seat to them. Otherwise, on the basis purely of commerce and industry it has absolutely no claim to representation. Khan Bahadur Abdul Momin has well pointed out that these gentlemen have got enormous influence in the mufassal over their debtors and can well get returned to the Council through the general constituencies.

Mr. ANANDA MOHAN PODDAR: You should look into the report of the Southborough Committee. I am afraid you wait, unless you get a second brief.

Mr. H. S. SUHRAWARDY: We shall surely look into that report when we have time, but in the mean time the Bengal Mahajan Sabha has no claim whatsoever to a seat, and what is more important is that it should be one of the last bodies that should speak against the Muslim Chamber of Commerce.

Mr. PRESIDENT: I must observe that Khan Bahadur Momin was not right when he said that the meaning of the word "Mahajan" implied money-lenders. It is entirely wrong.

Mr. H. S. SUHRAWARDY: Sir, they were money-lenders first and then turned into inland traders.

Mr. PRESIDENT: That does not convey the meaning that was attached to the word by the Khan Bahadur.

Mr. H. S. SUHRAWARDY: The mahajans are either money-lenders or bankers.

Mr. PRESIDENT: No, that is not the etymological meaning of the word.

Mr. H. S. SUHRAWARDY: But, Sir, all those gentlemen who spoke against the Muslim Chamber of Commerce have never looked into the roll of members of the Sabha in order to find out how many persons or names are there. (MR. ANANDA MOHAN PODDAR: More than 300.) All right, I accept it. More than 300. I believe that the number has increased to more than 300 since the representation was submitted to the Delimitation Committee on the last occasion. (A VOICE: Never.)

Let us now turn to the case of the Bengal National Chamber of Commerce. We find here, again, that on the same principle as that of the Bengal Mahajan Sabha two seats were given to the National Chamber originally. This body does not represent any national interests. There are a large number of bodies that have separated from that Chamber. They do not represent traders, merchants, or industries. Now, the influence of the Bengal National Chamber of Commerce is very great because they have a very fine spokesman in the person of Mr. Nalini Ranjan Sarkar. It mainly represents only that branch of "industry" or "trade" to which Bengalis have turned during the last few years, namely, the insurance business. Sir, every one must acknowledge the value of Mr. Sarkar's contributions to problems of commerce and industry, but, apart from that, taking this body without Mr. Nalini Ranjan Sarkar, I do not think that it can really claim very much importance. And when it comes forward and says that merely because it has called itself "national," therefore it should usurp all the 5 seats that is a contention that rests on such weak grounds that their claim cannot be considered by anyone with the smallest modicum of common-sense.

Let us now come to the Marwari Association. The very honest gentleman who represented that body before the Delimitation Committee admitted that its members, though still wealthy, have most of them left the piece-goods business which entitled them to membership

of the Association: he further admitted that it was now more a social body than a commercial body. And, in spite of this, we have accorded one seat to them. Now, I think that if the Delimitation Commission considers the claims of these bodies it will have to disenfranchise some of them——

(At this stage the member having reached his time-limit had to resume his seat.)

Maulvi ABDUS SAMAD: Mr. President, Sir, I find that the debate has taken a communal turn—a contingency which the Hon'ble Home Member anticipated and sincerely desired to avoid. In fact, in his opening speech introducing the motion he requested the hon'ble members of the House not to introduce the question of Communal Award or to discuss its merits or its demerits. But in spite of his warning the members of the House have not only introduced the Communal Award but have also discussed its merits and demerits. As was to be expected, my Hindu friends as a rule have denounced the Award as anti-national, and unjust and unfair to the Hindu community. On the other hand, my Muslim friends, except Maulvi Nausher Ali, have hailed the Communal Award as the Magna Charta of the Muslim community and have spoken in very eulogistic terms about its beneficial effects upon the Muslim community. Now, Sir, the main argument on which my Muslim friends seek to justify the system of separate electorate is that the majority of the Muslim community are in favour of it. I do not admit that there is any truth whatsoever in that assertion. How can they say that the majority of the Muslim community have demanded separate electorate when no plebiscite has been taken and no general election was held on this issue and in the absence of these how can you say——

Mr. H. S. SUHRAWARDY: Let my friend go to Murshidabad and take a plebiscite over this question of the Communal Award. And see what the verdict of the electorate is.

Maulvi ABDUS SAMAD: Let the Communal Award be first withdrawn and then let a plebiscite or a general election be held over this issue of electorate and you will see what the verdict will be. But as long as the Communal Award exists there will be no chance for any supporter of joint electorate to get elected. Let the Communal Award be withdrawn as I have said and then let a plebiscite be taken. On this condition precedent I am prepared to accept Mr. Suhrawardy's challenge. Now, Sir, even assuming for the sake of argument that the majority of the Muslim community demand it, the fact remains that the Hindus, the Sikhs and lastly even the Indian Christians—as was evident from

the speech of Mr. Nag in this Council yesterday—who together constitute 4/5ths of the total population of India, they are all in favour of joint electorate. But, Sir, what is the reason that has led Government in utter disregard to the opinions and sentiments of the 4/5ths of the total Indian population to concede to the demand of only a microscopic minority of the population? The real fact is that the Government has granted separate electorate not because the Muslims have wanted it but because Government themselves want it, in their own interests and in the interest of British imperialism. Are we to understand that the British Government are partial to the interests of the Muslim community?

Mr. H. S. SUHRAWARDY: No, they are only just and fair to the interests of the Muslim community.

Maulvi ABDUS SAMAD: But then Government must be fair and just to all and Government are expected to be impartial. Separate electorate is highly detrimental to the interests of the Muslim community; it will simply antagonise the Hindu community, who are educationally, politically as well as economically more advanced than the Muslims and without whose co-operation and assistance we can never do. It is only a handful of self-seekers who demand separate electorate in their own personal interest. Sir, Maulvi Nausher Ali has been made a target of attack simply because he has made a statement of fact which contains nothing but truth.

I shall now speak a few words about the delimitation of constituencies. The district of Murshidabad has a population of about 761,582 and there are four subdivisions in the district. The district, on the population basis, is entitled to get 3·8 seats but has been given only 3 seats. Now what the Provincial Advisory Committee have done is to allot one seat to Sadar subdivision with a population of 243,684 under the name of Berhampore Muhammadan Constituency. That is all right. One seat has been allotted to Jangipur subdivision with a population of 195,609. The third seat has been allotted to the two subdivisions, Lalbag and Kandi combined with a population of 322,284. Now the disparity in the population of the 3 constituencies is apparent on the face of it. The population of this third constituency, which is named Murshidabad South-West Muhammadan Constituency, exceeds the population of the other two constituencies by about a lakh. If you consider the area you will find that the disparity is still more glaring. The area of the two subdivisions, Lalbag and Kandi, is 957 sq. miles whereas the area of the Sadar subdivision is 345 sq. miles and that of Jangipur is 497. Now both in point of population and in point of area the disparity is very glaring and the candidate who would seek election from the Murshidabad South-West Constituency, that is, from

Lallbag and Kandi subdivisions, would have to run about a larger area of distance than the candidates who would seek election from the other two constituencies. Another fact is that the whole Kandi subdivision lies to the west of the river Bhagirathi and whereas the thanas of Lallbag subdivision except that of Nabagram lie to the east of that river. There is no cultural affinity between the inhabitants of Lallbag and Kandi. I think that Khan Bahadur M. A. Momin, who was a Subdivisional Officer both at Kandi and Lallbag, will bear me out that the habits and manners of the Muslims of these two subdivisions are quite different and ethnologically they are of different origin. So it is not proper to tag Lallbag with Kandi. It seems to me that the Provincial Advisory Committee were guided more by principle of convenience of the future distribution than the convenience of the future candidates and other things. If one more seat is given to Murshidabad, that is, if the seats are raised from 3 to 4, then the whole difficulty can be easily solved by allotting one seat to each of these four subdivisions. But if that is not possible I support the suggestions made by the Murshidabad Muhammadan Association which has submitted a representation to the Reforms Commissioner. The Association has made the following suggestions:—The Sadar subdivision under the name of Murshidabad constituency should remain as it is. The whole area of the Kandi subdivision and the areas of Nabagram thana in the Lallbag subdivision and the Sagardighi, Suti and Shamsherganj thanas of the Jangipur subdivision lying to the west of the river Bhagirathi have a population of 277,085 and should form one constituency under the name of Murshidabad West Muhammadan Constituency. The area under Raghunathganj the remaining thana in the Jangipur subdivision and the areas under the Raninagar, Murshidabad, Bhagabangola, Lalgola and Jiaganj thanas of the Lallbagh subdivision containing a population of 240,000 should form the third constituency under the name of Murshidabad North Muhammadan Constituency. If this suggestion is accepted it would be found that both the area and the population of the three constituencies would be almost equal. Under these circumstances I would suggest that the suggestion of the Murshidabad Muhammadan Association, which I fully endorse, will be taken into consideration.

Babu AMULYADHAN RAY: I do not like to go into the details as I am afraid there is no time at my disposal. I will try to be brief. Sir, I in very strong terms support the opinion of the All-Bengal Depressed Classes' Federation which has been forwarded to the Reforms Commissioner. I am entirely in agreement with the Local Government's proposal which has been adopted for the allocation of general seats. In other words, the municipal areas must be separated from the rural areas. I regret very much the agitation which has been set on

foot by the caste Hindus to include the urban areas in rural areas. I earnestly appeal to the Hon'ble Member to stick to the principle, namely, that the urban areas must be separated from the rural areas, and the 66 general seats including the scheduled caste seats should be allocated to rural areas not only excluding the municipal but also the subdivisional towns, which should be included in urban areas. We regret very much that no provision has been made for the representation of the scheduled castes in the Provincial Upper House. It would have been fair and just if 4 out of 10 general seats would have been reserved for the scheduled castes and allocated to the four Divisions, namely, Burdwan, Dacca, Presidency and Rajshahi. Then, Sir, my esteemed friend Rai Bahadur Sarat Chandra Bal and my friend Babu Lalit Kumar Bal have suggested to you that the districts of Murshidabad and Nadia should be deprived of the schedule caste seats. I enter my most emphatic protest against it. They should under no ground be deprived of these two seats which have been given. Then, Sir, I submit to you one point, namely, that undue weightage has been given to the urban areas.

Mr. B. C. CHATTERJEE: I have listened, Sir, to these two days' debate with a deep sense of humiliation and a deeper sense of disappointment. The Hindu, the caste Hindu, if we may so call him, has been speaking with a deep sense of resentment because he feels that he has ceased to be a favourite of the British. The Muhammadan is speaking in a tone of exultation because he thinks he is going to be the hot favourite of the British in place of the banished Hindu (Question.) and the so-called scheduled caste Hindu, not quite knowing what is in store for him, is speaking with an uncertain voice. But what strikes me in this babel of confusion is that everyone has forgotten that he is a Bengali, first and last. My Hindu countrymen should realise, and my Muhammadan friends should realise, that if they really want Bengal to be self-governing they have got to depend on each other, and they have got to develop the habit of living and thinking for each other instead of clamouring for favour from the British. But the whole of yesterday and to-day we witnessed nothing but a series of attacks and abuse between the Hindu and Muhammadan members, each trying to make out a better case for his community than the preceding speaker. This has been terribly disappointing. If we really want democracy, do we want to have the British overlord to be eternally sitting over us, and settling disputes between us continuing in this eternal state of squabbling and difference? That is the real point. I should like to see my Muhammadan brethren confirmed in every one of the seats that has been given to them. It does not matter in the least if they are given every one of the seats that Government propose to give them, but where it does

matter is that we seem to lack the spirit of brotherliness and of nationhood. We seem to think that we are enemies, and that each must make out a case against the other in order that we might get a little more favour from the British, who are to listen to these squabbles and these arguments. I appeal to every Hindu and every Muhammadan to abandon this terribly bad, venomous, unnational habit of trying to make out a case against each other. We do not realise that we belong to the same country and come from the same stock. If my Muhammadan brothers would shave their faces, it would be difficult to tell us, one from the other. We speak the same language, live in the same country, come from the same stock, have the same interest; why do we then present this terrible picture of going for each other and trying to harm each other? I am not going to say anything more. I welcome the giving of every seat to my Muhammadan countrymen, including the one seat for the new Chamber of Commerce, if that will induce them to realise the primary fact that we are not enemies, that we are fellow-countrymen, and that in our prosperity lies their prosperity, and in our progress lies their progress. One more word. The one man whom I respect and honour and salute is Maulvi Abdus Samad, who has urged, I think, in season and out of season, the point which I am now urging.

Mr. PRESIDENT: But Mr. Chatterjee, have you no message to give to the Delimitation Committee? (Laughter.)

Mr. B. C. CHATTERJEE: No, Sir, I have finished.

Mr. S. M. BOSE: I move that the question be now put.

Mr. PRESIDENT: I think it will not be an infringement of the right of reasonable debate if the debate is closed at this point.

The question that this Council takes into consideration the proposals of the Government of Bengal on the delimitation of constituencies for the Bengal Legislative Assembly and the Bengal Legislative Council under the Government of India Act, 1935, and the Report of the Provincial Advisory Committee on the Delimitation of Constituencies, 1933-34, and recommends that the proceedings be forwarded to the Delimitation Committee, for their information, was put and agreed to.

Rs. 16 lakhs allocated by Government of India for expenditure on schemes of rural uplift.

The Hon'ble Sir JOHN WOODHEAD: Sir, I beg to move that this Council recommends to Government that the sum of Rs. 16 lakhs allocated by the Government of India for expenditure in Bengal out

of the grant voted by the Indian Legislative Assembly for expenditure on schemes of rural uplift be devoted to the following objects, namely:—

(1) The establishment of seed, paddy and crop demonstration centres.

(2) The improvement of cattle and of fodder crops.

(3) The improvement of poultry.

(4) Propaganda work in the districts.

(5) The establishment of an experimental rural broadcasting service in the Midnapore district.

(6) The improved marketing of jute and paddy.

(7) The establishment of coir spinning and weaving demonstration parties.

(8) The establishment of union board dispensaries and the improvement of water-supplies in rural areas.

(9) The introduction into selected secondary schools of agricultural and manual training; the provision of school playgrounds in rural areas, village playgrounds and village libraries and halls.

(10) Grants-in-aid to the Boy Scout, Girl Guide and Bratachari Movements.

(11) Minor drainage and flushing schemes in rural areas.

(12) Improvements in the Chittagong Hill Tracts.

(13) Discretionary grants to Commissioners and District Officers.

Sir, in his budget speech at the end of February last, the Hon'ble the Finance Member to the Government of India announced that the Government of India had decided to set aside a sum of Rs. 1 crore for distribution to the provinces to be spent on schemes for the economic development and improvement of rural areas. Out of this sum of Rs. 1 crore the Hon'ble the Finance Member explained that it was proposed to earmark a sum of Rs. 10 to 15 lakhs for measures in connection with the co-operative movement and to distribute the balance of Rs. 85 to 90 lakhs to the provinces on condition that first the money should be spent on schemes approved by the Government of India and, secondly, it should be devoted only to schemes which the local Governments would not otherwise have been able to undertake in the immediate future. Later in the Budget Session the matter was placed before the Legislative Assembly in the form of a demand for a grant. The grant was voted by the Legislative Assembly and the Government of

Bengal has been informed that the amount allocated to this province for expenditure on schemes of rural uplift is Rs. 16 lakhs. That, Sir, is the genesis of this grant, and the special motion which I have just moved details the objects to which the local Government propose to devote this money. The Government of India have approved of the proposals of the local Government for the expenditure of the grant and of course any change in those proposals will also require the sanction of the Government of India.

Sir, the memorandum, which has been in the hands of the members of the House for some days past, explains the several schemes on which it is proposed to spend the grant. Members have doubtless studied that memorandum and I do not therefore propose, at this stage, to occupy the time of the House by referring in detail to the different schemes. There is, however, one point to which I should draw the attention of the House. It is this. The memorandum indicates the amount likely to be spent on each scheme. But as the memorandum points out, these amounts are not immutable and it is possible that the amounts ultimately spent on each individual scheme may differ somewhat from the figures shown in the memorandum. Experience may show that some adjustments are necessary. Of course, the total expenditure will not be less than Rs. 16 lakhs.

In connection with a question asked by Rai Satyendra Kumar Das Bahadur some days ago, I was asked by a member of the House whether the expenditure would be subject to the vote of this Council. I replied in the negative. That, Sir, is the position. The sum of Rs. 16 lakhs to be spent on schemes of village uplift in this province forms part of the total grant voted by the Legislative Assembly for expenditure on such schemes, and the Government of India have ruled that the vote of the Legislative Assembly dispenses with the necessity for voting afresh the amounts to be spent in the several provinces. The Council will not therefore be asked to vote grants covering the expenditure. But, although this is the position, Government are desirous of obtaining the views of the Council on the manner in which the money should be spent, and it is for this reason that they decided to adopt the procedure of a special motion under 78A of the Rules and Standing Orders, a procedure which to them appears to be the most convenient method of initiating discussion.

And finally, Sir, may I draw attention to a small printing error in item 1 of the motion as it appears on the list of business? In that item there should not be a comma between the word "seed" and the word "paddy". That comma may unfortunately give rise to some misunderstanding as it gives rather a different meaning than otherwise it would. Item 1 is a scheme for the establishment of centres for the production of paddy seed and the demonstration of the growing of crops such as groundnuts, linseed, potatoes, etc.

Mr. PRESIDENT: *I may inform the Council that in modification of his previous order, His Excellency the Governor has been pleased to* allot the 22nd August for the further disposal of this item and I think it will be the wish of the House that I should adjourn now.

The Council stands adjourned till 3 p.m., on Friday, the 16th August, 1935, at the Council House, when we shall take up the disposal of non-official Bills.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 16th August, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 95 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Registration of documents containing misdescription of rights of vendors.

*43. **Babu PROFULLA KUMAR GUHA:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware—

(*i*) that conveyance of landed properties containing wilful misdescription as to the rights of vendors to such properties, not supported by the description in the settlement *khatians*, are being freely registered by Registering Officers in the province; and

(*ii*) that this practice has given rise to innumerable ruinous litigations?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of issuing at an early date a general circular to all the Registering Officers in the districts to verify the description of lands given in the documents with that recorded in the respective settlement *khatians* before actual registration of such documents where final publication of the record-of-rights has been made?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) (*i*) Documents, in which the rights of vendors have been misdescribed, have been registered in some districts.

(*ii*) No. The Government are not aware of this.

(*b*) No. The member's attention is invited to the reply to question No. 56 asked during the March session of the Council.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be please to state what steps have been taken with respect to those districts where such wrong misdescriptions were made in the documents?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: If my friend wants this information, I shall be pleased to furnish that; but I cannot say offhand now.

Rai Bahadur SATYA KINKAR SAHANA: Is the Hon'ble Minister aware of the fact that many offenders have described their occupancy rights as *mokrari* rights, thereby cheating landlords of their fees?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: No, Sir. I am not aware of such cases.

Rai Bahadur SATYENDRA KUMAR DAS: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state the name or names of districts in which such misdescriptions were made?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I ask for notice of that question, Sir.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to enquire whether on account of misdescription in the names of landlords, the proprietors of estates have been deprived of their legitimate transfer fees?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is very difficult to say that, Sir, unless specific cases are brought to the notice of Government.

Publication of indecent literature.

*44. **Seth HUNUMAN PROSAD PODDAR:** (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that Calcutta is being flooded with cheap and indecent books, booklets and journals;

(*ii*) that positively indecent advertisements are getting to be a regular feature of some of the papers of the province;

(*iii*) that some of the newspapers in Calcutta give all the rape and abduction cases in all their detailed obscenity; and

(*iv*) that some of the adventuresome journals search out the rape and crime cases also from every nook and corner of the world and feature them prominently?

(*b*) Do the Government realise that such indecent literatures and publication of such crimes tend to have an evil effect and to lower the moral codes of thousands of adolescent young men and women who read them?

(*c*) Are the Government considering the desirability of issuing instructions to their Press Officer to be more vigilant and to rigorously censor the publication of such disgraceful literatures?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*) and (*ii*) Government understand that there is such literature in circulation and that undesirable advertisements are published.

(*iii*) and (*iv*) A few papers give undue prominence to details of the sort referred to.

(*b*) Government are conscious of the harmful effect of indecent literature on the young.

(*c*) Government cannot take action against a publication unless it offends against some provision of the law, but they are watching the situation closely with a view to instituting prosecutions when feasible. There is no provision in the existing law for previous censorship of such publications.

Rai Bahadur SATYA KINKAR SAHANA: With reference to answer (*c*), is the Hon'ble Member considering the desirability of kindly taking steps to introduce a Bill for this purpose in the present Legislature?

The Hon'ble Mr. R. N. REID: This is a request for action, Sir, which I do not think I am called upon to answer.

Mr. PRESIDENT: I have allowed questions in the form of a request for action, and I would ask you to give an answer to it.

The Hon'ble Mr. R. N. REID: Government at present have no such proposal under consideration.

Rai Bahadur KESHAB CHANDRA BANERJI: Is it not a fact that such offences come under the provisions of the Indian Penal Code, and that publication of objectionable literature is punishable under the law?

The Hon'ble Mr. R. N. REID: Of course they are, and we are looking out for chances of prosecution, when feasible.

LEGISLATIVE BUSINESS

NON-OFFICIAL MEMBERS' BILLS.

Estates Partition (Second Amendment) Bill, 1935.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I beg to move that the Estates Partition (Second Amendment) Bill, 1935, as reported by the Select Committee, be taken into consideration.

Babu KHETTER MOHAN RAY: Mr. President, Sir, I rise to oppose the motion of Rai Bahadur Keshab Chandra Banerji and beg to move, by way of amendment, that the Bill be recommitted to the Select Committee with instruction to submit their report by the 31st December, 1935.

The Bill which my hon'ble friend has introduced seeks to amend clause 3 of section 5 of the Estates Partition Act, 1897. In order to understand the implications of the change sought to be introduced on the law of partition, it will be necessary to go through the entire section 5 and other cognate sections of the Estates Partition Act.

Sir, Chapter II of the Act which comprises section 5 deals with right to claim partition. Section 4 lays down that every recorded proprietor of a joint undivided estate, who is in actual possession of the interest in respect of which he is so recorded, shall be entitled to claim partition—subject to certain limitations provided in that chapter. One of these limitations or restrictions is as provided in section 11 that the proportionate revenue of the share of the applicant must not be less than Rs. 10. In other words, the shareholder, the revenue of whose share is less than Rs. 10, cannot claim partition. Another condition, as stated before, is that the co-sharer claiming partition must have his name recorded or registered in respect of the share, under the Land Registration Act of 1876 (Bengal Code).

Now, Sir, section 5 in its five clauses deals with the fundamental principles of partition which have been universally accepted and acted upon by all courts of law, civil or revenue. Clause 1 lays down that if the interest of any recorded proprietor is an undivided share in an estate held in common tenancy, he is entitled to have assigned to him land having assets proportionate to his share in the parent estate.

Clause 2 says that if the interest of the recorded proprietor is the proprietory right over specific *mauzas* or tracts of land held in severalty forming part of the parent estate, he would be entitled to have those *mauzas* or tracts assigned to him as his separate estate. In this case, revenue of the separate estate will only be adjusted proportionately to the assets of the entire parent estate.

Now comes in clause 3 which is sought to be amended by the Bill. This clause is nothing but a corollary to the first two principles enunciated in clauses 1 and 2. This is to the effect that if the interest

of such recorded proprietor consists of an undivided share held in common tenancy in specific *mauzas* or tracts forming a part of the parent estate, but not extending over the whole area, the proprietor shall have assigned to him lands situated within the said *mauzas* or tracts, the assets of which shall bear the same proportion to the assets of such *mauzas* or tracts as his undivided share in such *mauzas* or tracts shall bear to the entire *mauzas* or tracts. The other two clauses which are also deducible from or corollary to the first two clauses need not be quoted here as they are not relevant to the subject.

Now, Sir, by adding a new proviso by the proposed amendment, clause 3 will be practically abrogated. The proposed amendment leaves it to the discretion of the Collector, whether the rule is to be observed or not; in other words, the proprietor of a share in a specific *mauza* or tract may be given, on partition, lands in other *mauzas* or tracts to which he had no title before. My friend the hon'ble mover has said that owing to this law of the land, some hardship has been experienced in a certain case of which he has given an example in the Statement of Objects and Reasons of the Bill. My friend gives an illustration in his Objects and Reasons, which he still adheres to, but I shall show here that this case cannot have any existence in fact. In the illustration, A is the proprietor of 15 annas and B of one anna share in an estate. A does not live in his estate, but B has homestead in it. There is a block of common land contiguous to B's house forming a compound. A, in order to cause inconvenience to B, out of malicious motives, makes a gift of the compound to C, his son or near relative. The hon'ble mover's intention is that if C gets his name registered, he will, on partition, be allotted land in the plot of the common land which is the compound of B to the detriment of the interests of B. Against this, my arguments are as follows: First, as I have said before, this is a fictitious case and cannot have any existence in fact. Secondly, if A is so preposterous as to make gratuitous transfer of his 15-annas share in the compound in favour of a near or dear relation in order to defraud or to defeat the claims of B on partition, such gift is illusory, and under the Land Registration Act the Collector will not, on objection or no objection, register such a person as a recorded proprietor. He will ask him to go to the civil court to establish his rights. We know such rights are not established in civil courts as they are fraudulent transfers with the intention to defraud or defeat the claims of others. Section 53 of the Transfer of Properties Act is clear on the point. Unless a person is a recorded proprietor, he cannot claim partition (*vide* section 4). Now I come to the other point, viz., that the proportionate revenue of C's share in the plot of the compound must not be less than Rs. 10. Otherwise C cannot claim partition. We know that the proportionate revenue of such a plot which is a compound or courtyard of a house cannot be Rs. 10. As far as our knowledge goes, a compound, however big it may be, does not ordinarily exceed

four or five acres. Besides, in a case like this, there are sufficient safeguards provided in the Act—I mean sections 64 to 68. Section 64 lays down that if any land, on which are situated dwelling houses with grounds attached to them, of one proprietor, is allotted to the share of any other proprietor, such proprietor, on agreeing to pay a reasonable rent annually in perpetuity, will be entitled to hold the same under the separate estate of the other proprietor. The amount of rent will be determined and fixed by the Deputy Collector. Section 65 lays down that if any land on which gardens, etc., of one proprietor is found, or if any land which is of particular use to any proprietor is assigned to others, then section 64 will also be applicable to such land, and the proprietor will be entitled to hold such land in perpetuity on payment of fixed rent. Sections 67 and 68 provide that such proprietor, if he so likes, can redeem the rent, on payment of a premium and hold the same as rent-free land. This land will be entered in the register of rent-free lands of the Collector. If any such case arises at all, as stated by the hon'ble mover—I say this case cannot have existence in fact except in imagination—then also such proprietor has got ample safeguards against it.

Now, I beg to submit that this rule of law has been in existence for more than a hundred years. We find that there were several Regulations in vogue before 1814. In that year, Regulation XIX of 1814 was enacted, consolidating all previous Regulations. In Regulation XIX of 1814, we find that this rule has been referred to in section 30 along with other principles. In 1876, after deliberations extending over more than three years, Act VIII of 1876 was passed, thoroughly revising the law on partition of estates. In clause (c) of section 9 of that Act, the identical rule now sought to be relaxed was clearly defined as one of the cardinal principles of partition. In 1897, the Partition Act was revised and re-enacted in order to invest the Partition Deputy Collector with powers of a Settlement Officer and to make other changes. In that Act also, the rule has been enunciated with clearness and thoroughness. Nobody up to the present time has raised any objection to the same except the hon'ble mover. Sir, on the security of this rule, many persons have purchased a share in specific villages and have built dwelling houses thereon. Many persons have been carrying on business and have built godowns, many have established dispensaries, schools and many others have established *bazars* and made improvements in the villages or tracts and tenants generally are inclined towards such co-sharers owing to their beneficent acts. Some persons have taken perpetual leases from such co-sharers and have built dwelling houses, godowns, have excavated tanks, and have made various other improvements. I appeal to the hon'ble member to imagine the consequences which will follow if the rule is abrogated, and such proprietors are allotted land in other *mauzas*. Such proprietors or their lessees will be put to great difficulties and dangers and also

to immense losses which cannot be computed in money. They will be ousted from their lands by the operation of this law, if enacted, for no fault of theirs, and all classes of tenants will suffer as they were in receipt of benefits from their beneficent acts. One original proprietor might have sold in bygone years a certain share in a specific *mauza*, and the purchasing proprietor or his descendants, by various acts of improvement, has improved the condition of the locality and has become very popular with the tenants and has got an immense influence over them. Now a grandson of the original holder of the estate has grown very jealous of the powers and influence of such a proprietor over the tenants, and cannot bear the sight of a man coming from a distance of, say, 30 or 40 miles, growing in influence before his very nose. He thinks that such a man must be ousted from the village; otherwise, the original holder of the estate or his descendants cannot live in peace. Means are to be found out to drive out such inconvenient co-sharers from the neighbourhood. If the rule is relaxed by the present amendment, it will be a handy weapon to drive out such a co-sharer from the village, and then establish his influence over the tenants who were inclined towards the purchaser-co-sharer. Sir, this amendment will be putting a premium to the rapacity of this class of proprietors who are jealous of the popularity of the other co-sharers with the tenants, and of the improvements effected at enormous costs by them. It is to the interest of the original tenants and tenure-holders in particular that such a rule should not be relaxed. This rule has been in force for a long time without any objection from any quarters, and many rights and liabilities have sprung up in consequence; many improvements have been effected; numerous leases have been executed, and many pecuniary and social relationships have grown up on the security of this rule. Therefore, this time-honoured rule should not be disturbed as it will endanger the rights of numerous persons and will put an end to various relationships arising out of such rights. Sir, lawyers are all aware that certain interpretations put upon certain rules of the Hindu Law by the Privy Council are not consistent with the correct interpretations of the *Shastras* upon which those rules were based. But these rules of the Hindu Law, as interpreted in the British courts, have been held as good law for over a century now, and many rights and liabilities have thereby sprung up around them. In recent years, when it was pointed out to the Privy Council that the rules were based upon a wrong interpretation of the original texts and are inconsistent with the injunctions of the *Shastras*, the Privy Council refused to amend the same on the ground that they have been acted upon for a long time, and abrogation of the existing rules will disturb the numerous rights which must have grown up on account of such rules being in existence. Similarly, this time-honoured rule of partition should not be in any way disturbed or in any way relaxed. The case cited by my friend, even if it exists at all, may be an exception,

and it may be a hard case, but hard cases will make bad law. Law exists for the greatest good to the greatest number—such a case, being an exception, has its safeguard as provided for in sections 64 to 68. No necessity has, therefore, arisen for amending clause 3 of the section. Besides, Government always disapproves piecemeal legislation which, I think, is a salutary principle. In connection with this Bill, no opinion has been invited, and it was sent to the Select Committee. Even the Report of the Select Committee has not been widely published and was not before the public for a sufficiently long time. Opinions of the Collectors and other revenue officers were also not taken, and the public have not had sufficient time to express its opinion on such an important matter. It may be argued that by this Bill discretion has been given to the Collector who will not relax the rule in case of hardship. We know that the Collector is a very busy officer and has scarcely time enough to look to these matters. It is the Sub-Deputy Collectors in charge of partition who carry out the work of partition. Sometimes, it is seen that the partition clerk behind the scene manages everything in connection with the partition proceedings. For all these reasons, I oppose the motion of my friend and suggest that it should be rejected.

Many of the points I have raised here were not placed before the Select Committee, and I, therefore, beg to move that the Bill be recommitted.

Babu HEM CHANDRA ROY CHOUDHURI: Sir, I rise to oppose the motion moved by Rai Bahadur Keshab Chandra Banerji to take the Bill into consideration. Sir, the Bill has been described to be a very simple one because it contains only two clauses. It is practically not so, because it has far-reaching consequences. Sir, the proposed amendment, if accepted by the House, will have the chance of depriving the owner of a particular *mauza* or tract appertaining to a joint estate of his right or claims to an allotment in the said *mauza* or tract at the time of the partition and he will be placed at the mercy of the Collector who is going to be empowered to shift him to some other *mauza* or tract to which he has no present right. Under the present law such a transferee is entitled, as a matter of right, to claim allotment in the identical *mauza* or tract in which he has got his right. The practice of making such a transfer by a co-sharer proprietor of a joint estate and the right of such a transferee to claim allotment in the particular *mauza* owned by him have been recognized by the Government from the beginning of the British rule and have been embodied in the various statutes relating to partition of revenue-paying estates. No instance of any hardship or any injury to any other co-proprietor has ever been heard of at any time. On the contrary, this practice has conferred benefits on such transferees by enabling them to effect improvements on their lands, inasmuch as their right to get

allotments in such lands have been assured to them by express legislation. This practice has also benefited co-sharer proprietors in a joint estate by enabling them to raise money in times of need by disposing of specific portions of the estate (without the necessity of parting with any portion of their share in the entire estate) to some rich person in the locality who would naturally pay a high price for such lands. Such a purchaser has been given statutory right to claim allotment in such a *mauza* or tract by the Estates Partition Acts of 1878 and 1897. But once this certainty is gone and he is placed at the mercy of the Deputy Collector making the partition (as will be the inevitable effect of the passing of the proposed amendment), no one will venture to go in for purchase of portions of revenue-paying estates or to spend money for purposes of improvement.

This is a matter which deserves serious consideration, but it seems that the members of the Select Committee lost sight of this aspect of the question. They appear to have been alarmed by the highly imaginary picture presented before them by the mover of the Bill, namely, that unless the law be amended, a major co-sharer of a joint estate may fraudulently dispose of a portion of a joint estate which may be situated quite close to the dwelling house of the other small co-proprietor within the estate. We appeal to the experience of every member of the House to say whether any one of them has ever come across a case like the one mentioned by the mover of the Bill. It should be noted in this connection that the proposed amendment goes much further than the case mentioned by the mover of the Bill and there is certainly no justification for a wholesale alteration of the present law on this point and to make the amendment so wide as to cover all cases of *bonâ fide* transfer.

It is very unfortunate that the Bill was not circulated for public opinion and the views of the Collectors and Commissioners as well as of the various Landholders' Associations throughout the province were not ascertained as to whether there was any real necessity for changing the law and whether there were any cases of such hardship on the part of any co-sharer proprietor as is mentioned by the mover of the Bill. It appears that the Bill was introduced into the Council on 20th February last and was referred to a Select Committee, which held its sitting on 7th March and finished its labours on the very day. Curiously enough the Bill as introduced into the Council on 28th February was not published in the *Calcutta Gazette* till the 14th March. In the meantime the Select Committee had finally settled the Bill, making changes in the entire form of the Bill.

The last, but not the least, objectionable feature of the Bill is that it has been made applicable to partition proceedings now pending before the Collectors of this province. What was the necessity for doing so was not mentioned in the Statement of Objects and Reasons.

Nor was any reason for the same vouchsafed by the mover of the Bill in his speech at the time of its introduction into the Council. It is certainly a very unusual thing to give retrospective operation to a piece of substantive legislation or to make it applicable to pending actions, when such a statute prejudicially affects transactions already entered into. Very strong reasons are necessary to justify such a procedure, but in the present case we find that the proposed legislation is going to be applied to pending proceedings without any justification thereof being attempted either in the Statement of Objects and Reasons or in the speech of the mover of the Bill or in the Report of the Select Committee. It is certainly not a proper thing, to say the least, to filch away people's rights in this fashion.

What I have said are all as regards the co-sharer's interest, but, Sir, if this amendment is carried into effect, not only the interest of the co-sharer proprietors will be affected but even that of the tenure-holders and *patnidars* under the co-sharer proprietors will also be affected. Any interest created by a co-sharer proprietor is not binding on the other co-sharer proprietors; hence, when a co-sharer proprietor creates an interest by way of a tenure or a *patni taluk* and if he does not get that land in his share in case of partition then the interest created by him is liable to be annulled by the other co-sharer who gets the land in his own share. Hence, if this amendment is embodied in the Statute Book, not only the co-sharer proprietors but also the tenure-holders and the *patnidars* will be affected, and they will be so adversely affected that occasion may arise when they will have to leave their homestead even.

I appeal, Sir, to the members of the Council to consider the Bill carefully and to oppose its passing. The position created by this Bill is a serious one and it passed into law, it will affect the rights of a large number of men and will lead to serious complications.

Mr. S. M. BOSE: I also oppose the Rai Bahadur's motion. The present law which is sought to be amended was first passed in 1876 (Act VIII of 1876). Section 9 lays down the law as it is now. It gives a man who has an undivided share in an estate a right to have his share divided. Under clause (3) of section 9 if the interest of a recorded proprietor consists in an undivided share held in common in certain specific *mauzas* or tracts forming part of the parent estate, he is entitled to have land assigned to him as a separate estate situated within such specific *mauza* or tract; for instance, if he has four annas undivided share in *mauza* A, he is entitled to have one-fourth share in *mauza* A on partition, and nowhere else. Further, it is provided in old section 9 (c) that if a man has got undivided one-fourth share in four *mauzas* A, B, C and D, he is not to be entitled to have one-fourth share in *mauza* A, one-fourth in *mauza* B, one-fourth in *mauza* C and

one-fourth in *mauza* D. He may be given shares in *mauzas* A and D only. Then coming to the Bengal Estates' Partition Act of 1897, section 5 entirely reproduces section 9 of the Act of 1876, I think, word for word. So the right of the proprietor as embodied in Act VIII of 1876 has been embodied in the Act of 1897 and exists up till now. That is to say it has existed for the last 70 years. This right is now sought to be taken away by a new proviso to section 5 (3) (*1*). That is a very objectionable feature in the Bill. We are really concerned with the objectionable feature in the new proviso (*a*). The new proviso (*a*) is to the effect that the owner of the undivided one-fourth share in *mauza* A may be allotted a share in *mauza* B, hundreds of miles away, against his wish. As the law stands at present, he shall be entitled to ask for a separate share in the same *mauza* A. Take a concrete example: A man living in Mymensingh town has a share in an estate near the town and he wants partition. Under the proposed amendment—new proviso (*a*)—he may be allotted a share in the same estate hundreds of miles away and not in the same *mauza* which is objectionable. As has been pointed out, it is a right which has been enjoyed for the last 70 years and there is no reason why it should be taken away. For these reasons I oppose this motion of Rai Bahadur K. C. Banerji.

Rai Bahadur SATYA KINKAR SAHANA: As my friend Babu Khetter Mohan Ray, a lawyer of long standing, has put before the House the objectionable features of the Bill, I shall not add many more words in doing so. But I am convinced in going through the Bill that there are many other objectionable features. It will disturb ruthlessly the possession of all ranks of landowners from the landlords down to the occupancy *raiyats*, and as such it should be before the public for some time. The public should be allowed to doctor carefully the features of the Bill, which though very small, are full of sores and ulcers. If that is not possible, I think it should be sent back to the Select Committee to get rid of the objectionable features.

Maulvi ABUL QUASEM: Sir, I think for the reasons given by the previous speaker the Bill should be opposed. The Bill seeks to amend an important provision in a way which is very dangerous. The really objectionable part of the Bill is contained in clause 3 (*1*) (*a*), and in proposed sub-clause (*6*) which are sought to be added to section 5. These are the two new things which are being introduced in the Estates Partition (Second Amendment) Bill. Now, on the simple ground that vested rights validly created will be divested as a result of this enactment, this Bill ought to be opposed.

I realise that under section 99 when a proprietor of an estate held in common tenancy has given his share or a portion thereof in *patni*

or other tenure or on lease or has encumbered it in any other way, such tenure, lease or encumbrance shall hold good as regards the lands finally allotted to the share of such proprietor. But, Sir, what about those interests which these lease-holders, these *patni*-holders, and other incumbrancers may have created under them? The new proprietor will be making short work of these things. Sir, because there is every certainty of this danger this Bill ought to be opposed.

My second ground of objection is this. Ordinarily, no enactment is allowed to have any retrospective effect. But, here, under clause 3 (*2*) of this Bill, a new sub-section (*6*) is being sought to be inserted after sub-section (*5*) of section 5 of the Estates Partition Act, 1897. In my humble opinion retrospective effect is being sought to be given to clause 3 (*1*) (*a*). A partition proceeding, which might be pending on the day of the commencement of the proposed Estates Partition (Second Amendment) Act, 1935, if it is passed into law, will not attract the operation of the new Act. But if you enact this particular clause, namely, clause 3 (*1*) (*a*), it will be applied to those proceedings which might be pending before the commencement of this Act. So, Sir, retrospective effect is deliberately being sought to be given to clause 3 (*1*) (*a*). On that ground, also, this Bill should be resisted. It is an unfortunate fact, as has been referred to by previous speakers, that these things were not taken note of at the time when the House consented to refer this Bill to the Select Committee. But as the dangers of the Bill have now been revealed and now that the members of this Council have been awakened to them, I do think that the Council should seriously consider whether it should not throw out the Bill at once, or, as the second best alternative, recommit it.

I must confess, that on reading the provisions of this Bill closely I have wondered whether this Bill has not been framed in the interests of some particular individual. Really, Sir, a doubt on that point has arisen in my mind, and I cannot eliminate that doubt. Possibly, I am correct in supposing that it is for the benefit of some individual who is interested in a pending proceeding and who wants the help of such a provision as is sought to be enacted in clause 3 (*1*) (*a*). I, therefore, think that the House should pause and seriously reflect before it agrees to consider the Bill as reported on by the Select Committee.

Rai Bahadur KESHAB CHANDRA BANERJI: I am sorry, Sir, that there should be such a tempest in a teapot. This is a very simple Bill, the object of which was very clearly explained at the time of its introduction. It was also pointed out that the object of the Bill was to give the Collector a little more discretion in making equitable partitions. I lay special emphasis on the word "equitable," and I shall now proceed to explain the position more clearly. Suppose, for instance, X, Y, and Z are three *mauzas* contiguous to each other of

which *mauza* X is within an undivided estate held in common tenancy by two proprietors A and B owning respectively 15-annas and one-anna share therein; and *mauzas* Y and Z are outside the said estates. A lives far away from *mauza* X. B has his homestead in *mauza* Y just adjacent to the boundary of *mauza* X. Now, there is in *mauza* X a block of common land just contiguous to B's house in *mauza* Y and forming his compound, which, on grounds of equity, compactness, and convenience should be allotted to B at the time of partition. With a view to cause serious inconvenience to B, A selects that very block and transfers his 15-annas share of it to his son C. C gets his name registered. Then A, or B, or C applies for partition. The partition authorities, as under present sub-section (3) of section 5 of the Estates Partition Act, will be bound to form a separate estate for C with 15 annas of that block. They will have no power to allot the entire block to B and compensate C by other lands of equal asset. Sir, I shall now cite a concrete instance. Suppose B has his homestead in *mauza* Z, but the burial-ground or the burning-place of the family, or the family church, mosque or temple, as the case may be, is in *mauza* Y, adjacent to the block of common land in *mauza* X as in the previous illustration. Suppose also A and B profess two different faiths. By transferring the 15-annas share of that very block to his son C and compelling the partition authorities to allot 15 annas thereof to C, A can do immense mischief and cause the greatest inconvenience to B. If B is a Hindu and A and C are Muhammadans, and C after partition turns that block into a mosque or a slaughter-house, or if A and C are Hindus, and B is a Muhammadan, and if C uses the place for worshipping Hindu deities and sacrificing such animals to which the Muhammadans may object; or if C, be he a Hindu or a Muhammadan, establishes a market there with quarters for public women, B will be put to a most difficult position.

Sir, I fail to understand why there should be so much opposition to the partition authorities being allowed freedom to use their unfettered discretion in such matters. In case there is a dispute between two rival proprietors, the partition authorities, namely, the Collector, the Commissioner and the Board of Revenue, should be given full scope to do justice and make partition on equitable principles.

Sir, it was only the other day that this Council placed the Bengal Land Development Bill on the statute book. In that Bill the Collector has been given supreme authority in the matter of imposition of an improvement levy. There is also provision in the Act for the aggrieved party to appeal to the Divisional Commissioner and, finally, to the Board of Revenue against the decision of the Commissioner. The Collector is a responsible official and so long as he is recognised to be the official head of the district, it is meaningless to suppose that he will misuse his discretionary powers. In civil court partition suits, the Munsif or the

Subordinate Judge, as the case may be, is absolutely free to exercise his discretion. It is anomalous that while the civil court has discretion in partition matters, the Collector should have no freedom of judgment in such cases. It is unfair to assume that the Collector will deliberately do injustice in cases of disputes arising between co-sharer landlords in partition proceedings. Under sections 5 (*1*), 57 (*3*), 62, and 64 of the Estates Partition Act, the partition authorities have been given freedom of judgment as to what sort of partition would be the most equitable and convenient to the parties concerned. I would particularly call attention to section 64 (*1*) of the Act which provides that "if a dwelling-house belonging to one proprietor is situated on any land which it may be necessary to include in the separate estate of another proprietor, the owner of the House may retain occupation thereof with the buildings and grounds immediately attached thereto upon agreeing to pay rent annually in perpetuity.——

Mr. PRESIDENT: Mr. Ray (Babu Khetter Mohan Ray), I find you moving from seat to seat. I do not know what you are doing. (Laughter.)

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, may I draw your attention to the brisk canvassing that is going on in the House? Babu Khetter Mohan Ray is trying to induce members to oppose the Bill. Is canvassing allowed when a particular measure is under discussion?

Mr. PRESIDENT: I don't know what he is doing, but canvassing is not allowed.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, let me resume my citation of the section: "..... in perpetuity for the land occupied by the house, buildings, and grounds to the proprietor of the separate estate in which such land is included." If in such extreme cases the Collector can exercise his honest judgment, there is no reason why the granting of discretionary powers to the Collector should be opposed on questions of such minor importance. The main apprehension seems to be, as has been stated by Babu Khetter Mohan Ray, that the partition Deputy Collector is really the authority in partition matters, and that the Collector being a very busy officer has not the time to look into the details of each case, and he has to blindly sign whatever is placed before him by the Deputy Collector. This is a charge which I leave to the Treasury Bench to refute. The Collector, after all, is the head of the district. In revenue as well as in other matters he has got to rely upon his subordinates. So, I see no reason why in matters of partition the Collector's decision should not be regarded as impartial.

I do not wish to detain the House any longer, but I would only touch upon one point to which reference has been made by one of the speakers. This amending Bill has been introduced with the best of intentions, and I seriously repudiate the suggestion made by Maulvi Abul Quasem that it has been sponsored for the benefit of any particular individual. If the modifications proposed in the Bill are considered desirable, then there is no reason why the benefits of the amending section should not be extended to those proprietors whose estates are now under partition and the proceedings whereof have not yet been completed. Sir, I remain unconvinced why they should not get the advantage of this admittedly salutary change in the law.

The Hon'ble Sir BROJENDRA LAL MITTER: With your permission, Sir, I shall explain the attitude of Government on this Bill. Government have no direct interest in this measure, but they did not oppose the Bill at its introduction inasmuch as it was designed to give the Collector a little more discretion, which might be exercised in preventing the fragmentation of estates. The main provision of the Bill is that when a co-sharer landlord has got shares in several *mauzas*, instead of giving him land in each of those *mauzas*, he may be given a compact bit of land in a different *mauza*. That would have the effect of preventing fragmentation. It is for that reason that Government did not oppose the Bill in the first instance, but from the volume of opposition disclosed in the debate to-day and in view of the fact that Government have no direct interest in this matter, the attitude which they have decided to take is to remain neutral.

Babu KHETTER MOHAN RAY: Sir, I beg leave of the House to withdraw my amendment for recommittal, though I oppose the original motion.

The amendment was, by leave of the House, withdrawn.

The question that the Estates Partition (Second Amendment) Bill, 1935, as reported by the Select Committee, be taken into consideration, was put and lost.

The Calcutta Municipal (Amendment No. II) Bill, 1933.

Mr. P. BANERJI: Sir, I beg to move that the Calcutta Municipal (Amendment No. II) Bill, 1933, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department,

(2) Mr. Shanti Shekhareswar Ray,

(3) Dr. Naresh Chandra Sen Gupta,

(4) Maulvi Abul Quasem,

(5) Khan Bahadur Muhammad Abdul Momin,

(6) Mr. A. R. E. Lockhart,

(7) Mr. W. L. Armstrong,

(8) Rai Bahadur Ram Dev Chokhany,

(9) Maulvi Syed Majid Baksh,

(10) Rai Bahadur Surat Chandra Bal,

(11) Sir Hari Sanker Pal, KT.,

(12) Rai Bahadur Jogesh Chandra Sen,

(13) Maulvi Hassan Ali, and

(14) the mover

with instruction to submit their report by the 30th November, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

In doing so, I must submit to you, Sir, that I feel that it is a necessity, following the example of Bombay, that our Calcutta Corporation should also find seats for labour. I also pointed out at the time of introducing this Bill that nowhere in the world are there plural constituencies in any local bodies as we have in Calcutta. We have noticed, and as we all know, everybody's business is nobody's business. For instance, though it is a very simple thing, Government as it is constituted at present will not feel convinced even if the most cogent and valid arguments are adduced. Whatever they think they take it to be the best, and they will not take any suggestion from the opposition. That attitude of the Government is very much to be regretted. I would ask the Hon'ble Minister to cite a single example in the world where he can show that in the local bodies plural representations obtain except in the Calcutta Corporation or some places in India. Some time ago we constituted a new ward No. 22 for Kalighat and the result of it was marvellous. Now, the improvement of Kalighat is much more appreciable than it was before, as the responsibility for this quarter has been fixed on one particular member and the result achieved within a short time in that ward is very good. We expected the Government to move in the matter and see things for themselves and introduce this sort of measure. It was contended by the Hon'ble Minister when Rai Mahasai introduced his Bill that such small constituencies were

unnecessary; at least, we were given to understand from his speech, as he said, that if any improvement was needed the Calcutta Corporation would do it, the Corporation was the proper body to move in that matter and for this purpose no legislation was necessary. It is true, but the Corporation as they are constituted to-day do not like to do these things, as the labour in this country have not been able to make their position felt as yet, as they have done in Bombay. I have brought it to the notice of the Council that Bombay has already done it. So there does not appear to be any reason why it should not be done in Calcutta. If the Corporation do not accept *in toto* so many labour seats, at any rate some seats may be given. Besides the two seats I ask for the representation of labour, I want the plural constituencies changed into singular ones. I want a seat for the representation of the transports of Calcutta. When I brought this matter up on the previous occasion the Hon'ble Minister replied that it would be a pocket borough for myself; not at all, Sir. Now, I maintain that the Bus Syndicate is a very important body and you will be pleased to learn that the Government have now constituted the Traffic Advisory Board on which the Bus Syndicate has a representative and on which the Calcutta Corporation and the Tramways Company are also represented. This Board deals with all traffic questions. So, Sir, it cannot be contended by one of the members of Government that this body is not of much importance at the present moment and that it should not have any representation whatsoever. The point that cannot under any circumstances be refuted by Government is that there must be singular constituencies in order to fix the responsibility on one person. On a previous occasion the Hon'ble Minister stated that it was difficult after the recent amendment of the Calcutta Municipal Act that was introduced by him as there had been an increase of several Muhammadan seats. His contention was that it was not possible to have the number of Muhammadan representatives increased. Admitting it for argument's sake that the Muhammadan seats cannot be given to separate constituencies, I submit that the constituencies may be divided into as many wards as there are seats. We can then fix the voters in such a way that in a particular ward where the Muhammadan population is the largest, there both the Hindus and Muhammadans will vote for the Muhammadans. If the Government want to do any good they can certainly do so. If a particular Councillor is made responsible for a particular locality, it is natural to expect that the improvement of that locality will be considerable. As I have submitted in the beginning of my speech "everybody's business is nobody's business." If there are two Councillors in a particular ward, a person having any grievance will be told by one Councillor to go to another. Sir, I have submitted to you the objects of my Bill and I have also pointed out what the objections of Government are. Is it not fair to introduce the representation of labour here when it has been introduced in the western part

of India? This improvement is long overdue. The Government of Bengal—of the second city in the British Empire—should have set an example in this matter. With these words I commend my motion to the acceptance of the House.

Babu JITENDRALAL BANNERJEE: Sir, I support the motion of Mr. P. Banerji on one simple ground of principle, namely, that the ideal way of constituting representative and democratic institutions is by having single-member constituencies. That is the trend of the day and that has been the trend for the last hundred years—one member for one constituency. The ideal was set up in England in the days of the Chartist agitation; and since then it has been adopted for all political institutions. It has been adopted for most civic institutions also, and it is but right and proper that the same privilege should be extended to the Calcutta Corporation. Plural constituencies are a barbarous anomaly of the past, and it is one of the most baneful effects of the Poona Pact that this barbarous anomaly has now been thrust upon the poor Hindus of Bengal. But there is no reason why the evil that has been perpetrated in the case of the Bengal Legislative Council should be perpetrated in the case of the Calcutta Corporation. This is the simple ground of principle on which I support this motion.

As regards labour, we find that Government has recognised labour as a constituency from which members ought to be returned to political institutions. And if they can be returned to political institutions, why should they not be returned to civil institutions as well? In the coming Reforms, eight labour members will be returned to the Bengal Legislative Council. If that is so, Calcutta being an industrial city, largely depending upon organised labour, it is but right and proper that such organised labour should be recognised and given the privilege of sending members to the Calcutta Corporation as well.

Sir, as regards the Bus Syndicate, I should like to make the free present of a suggestion to the Hon'ble Minister. The Hon'ble Minister has a certain number of seats at his disposal for purposes of nomination; and my suggestion is that the President of the Bus Syndicate for the time being may be included among these nominated members.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I must confess that in spite of the great eloquence of the hon'ble mover of this Bill and of his supporter, my esteemed friend, Mr. J. L. Bannerjee, Government remains unconvinced. This Bill has two objects in view. One is that all the constituencies of the Calcutta Corporation should be single-seated constituencies and the second is that ten seats should be allotted to labour and one of these to the Bus Syndicate. With regard

to the first point, Sir, nobody denies that it would be an ideal state of affairs if all the constituencies of the Calcutta Corporation could be made single-seated constituencies. That is certainly the principle which is conducive to the advancement of democratic institutions, but we cannot go by mere principles and theories. We have got to consider the question with reference to facts. In Calcutta there are many problems, which are unknown in other democratic countries. I assume that for the time being we have already reached that stage of democracy that has been reached by the countries of the West. The first and the foremost difficulty with which Calcutta is faced is how to accommodate the Muhammadan members in single-seated constituencies. Sir, only about two years ago this question was very carefully considered by a Select Committee of this House and on its recommendation the Bill that was introduced by Government was slightly modified and the representatives of the Muhammadans as well as the non-Muhammadans accepted the recommendations which were incorporated in the Calcutta Municipal Act. I should say that it is too early to go back on that arrangement and to modify the Act once again. The system has not been given a fair trial. The Calcutta Corporation was consulted on this Bill. It is of opinion that this proposal of Mr. Banerji is absolutely uncalled for and this question of single-seated constituencies should be considered not by itself but along with the general redistribution of the wards which involves a much bigger issue. Sir, Mr. Banerji said in course of his speech that where is the difficulty of getting over this problem, namely, the problem of Muhammadan seats. Where the Muhammadans predominate in number, seats should be allotted in those wards. That is exactly what has been done under the present arrangement. Probably, I could not follow what Mr. Banerji meant to convey. I, however, find no alternative to the existing arrangement at least at present. The existing arrangement is that, where the minority community is larger in number in those wards, seats have been reserved for them. I would wait and see how the present arrangement works and will not change it without giving it a fair trial. Mr. Banerji, if I may submit, has not succeeded in suggesting any better alternative that may function smoothly.

Sir, as regards the labour seats, under the Calcutta Municipal Act, Government appoints a certain number of counsellors and two seats have been allotted to the representatives of labour. So labour is not unrepresented on the Calcutta Corporation. Mr. Banerji suggests that as many as ten seats should be given to labour because a certain number of seats have been given to labour in Bombay. I venture to submit that there is not much analogy between Calcutta and Bombay so far as the labour population is concerned. Probably, labour is more organised in Bombay than in Calcutta at present. I believe there are 42 trade unions, but their activities generally lie outside the city. Though the

offices of the trade unions are situated in Calcutta or in the outskirts of Calcutta, the trade unions are not actually interested in Calcutta or in the civic affairs of Calcutta. So in the opinion of Government there is absolutely no justification for allotting so many as ten seats to the trade unions.

Mr. P. BANERJI: Then give them less.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir even in Bombay not more than four seats have been given to them.

As regards one seat being given to the Bus Syndicate, I do not think that the proposal has been seriously urged. But if Mr. Banerji does so, then I would say that the reply of Government is a definite "No" because the Bus Syndicate is not a sufficiently important body to be given the privilege of a special seat—one-tenth of what he himself proposes for labour—on the Calcutta Corporation. Sir, these are the practical difficulties and in view of that I would request the House not to agree to Mr. Banerji's motion. Sir, in reply to the point urged by Mr. Banerji, namely, that Government are not inclined to accept any proposal, however useful from the opposition, I join issue with him. Government are always anxious to accept any reasonable proposal by meeting the opposition half-way and in this matter too, Sir, Government do not propose to deviate from that policy, but on the merits of this question, I find it extremely difficult to agree to the hon'ble member's proposal. On these grounds I strongly oppose the motion of Mr. Banerji for referring this Bill to Select Committee, a proposal which has been negatived by the Calcutta Corporation on a careful consideration and in which Government do not find any merit.

Mr. P. BANERJI: But for certain remarks of the Hon'ble Minister I thought I would not exercise my right of reply. The Hon'ble Minister has told us that at least to a certain extent my proposal is reasonable so far as the labour portion is concerned and also single constituency. Now only one point which he thought was not very much urged, *i.e.*, one seat for the Bus Syndicate, a body which he does not consider of much importance. Unfortunately, he does not know anything of that body, while the Hon'ble Member in charge of the Police Department, as I have already pointed out, has recognised them as the only important body in Calcutta, rather in the Far East.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The only important body in the Far East?

Mr. P. BANERJI: Yes, the Bus Syndicate. I mean the body in connection with the transport workers. Now that being the case, and

it has been recognised by one side of the Government, does it lie with the Hon'ble Minister to say that it is not an important body because his opinion does not count at all. I say that perhaps he did not listen very attentively and therefore he said a definite "No". That is another matter. But I still say that as Government is adamant and in spite of the eloquence of Mr. J. L. Bannerjee, I take it that it be taken sarcastically. But I felt that if he will not be convinced by the eloquence of an orator like Mr. J. L. Bannerjee, I do not know how I shall turn him. I can only say that he does not possess an ounce of common sense——

Mr. PRESIDENT: Order, order. You cannot say that.

Mr. P. BANERJI: I withdraw it. But I say that he is not amenable to any reason whatever. You can make any amount of efforts to turn him, but you cannot. We know, Sir, it is very difficult for any member of the opposition to turn him to suit our own ends. We know if we follow the principle of the Bible, we do our part. What we do is to knock and it shall open. It may not open to-day but it shall open some day. This is our consolation, and while we can enforce the Government we will not fail in our duty, but our duty is to knock at the door of Government every time, and I am convinced that some day we must be successful and that time is not far distant. If the Government is so honest as it pretends to be, if, as he says the Government is always prepared to meet the opposition half-way, so it is only fair for the Hon'ble Minister to accept my motion and to sit down and to think it out with other members not only of the opposition but of the representatives of the people.

Mr. PRESIDENT: How can he give you half of a seat? (Laughter.)

Mr. P. BANERJI: I do not know how. He recognises that in Bombay four seats have been given; that is a mistake. In Bombay six seats have been given. Even if five seats are given here, then the Hon'ble Minister meets half-way. In that case there also, Sir, I am satisfied, and I do not want more than the seats that have been allotted in Bombay. But his contention is that in Bombay labour is better organised. Thus, you will see that whatever the Hon'ble Minister has just told us, perhaps he does not mean it, and if he meant that seriously then he ought to accept this motion of mine.

With these words I move my motion again for the acceptance of the House.

Mr. PRESIDENT: There are two or three amendments with regard to the personnel of the proposed Committee, but I do not propose to take them up just at the present moment as I would like to split up Mr. Banerji's motion into two parts. I would first like to ascertain if the House wants to refer his Bill to a Select Committee at all. If the House agrees to refer it to a Select Committee, then I shall deal with the personnel of the Committee.

The amendment was put and lost.

(The Council was adjourned for 15 minutes.)

(After Adjournment.)

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that the Bengal Municipal (Amendment) Bill, 1934, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department,

(2) Mr. S. K. Haldar,

(3) Rai Bahadur Gris Chandra Sen,

(4) Khan Bahadur Maulvi Muhammad Abdul Momin,

(5) Maulvi Tamizuddin Khan,

(6) Khan Bahadur Nawabzada Khwaja Muhammad Afzal,

(7) Maulvi Abdul Ghani Chowdhury,

(8) Rai Bahadur Keshab Chandra Banerji,

(9) Mr. Ananda Mohan Poddar,

(10) Babu Khetter Mohan Ray,

(11) Babu Hem Chandra Roy Choudhuri,

(12) Mr. S. M. Bose,

(13) Babu Jatindra Nath Basu,

(14) Babu Jitendralal Bannerjee,

(15) Mr. Sarat Kumar Roy, and

(16) the mover,

with instruction to submit their report by the 14th December, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

In doing so, I would like to submit that on the 14th December, 1934, last, while I introduced this very Bill and moved that it be referred

to the Select Committee, the Council accepted the circulation motion of the Hon'ble Minister on the assurance that the said Hon'ble Minister would soon bring a Bill in a comprehensive form for remedying all the defects and anomalies that have got into the new Act; but that assurance not having as yet materialised, I have been obliged to bring this Bill again for presentation to the Select Committee. I am sorry to find that even now the Hon'ble Minister has tabled a motion for recirculation of the Bill—for delaying the Bill which is urgently needed for better administration of the municipalities. Everybody who is in touch with the municipalities knows what difficulties they experience in the management of municipal affairs in the absence of the amendments I have referred to in the Bill. The opinions that have been received as a result of the circulation are all in favour of the majority of the items I have embodied in my Bill. But I do not see any reason why any objection should be raised by the Hon'ble Minister or any other member saying that a Bill of a piecemeal character like this will be of no use. But in this connection I would like to submit that a year ago a piecemeal Bill was introduced by the Hon'ble Minister himself, so his argument against piecemeal legislation cannot hold water. With these few words I appeal again to the Hon'ble Minister not to resort to delaying tactics by sending it again for recirculation, but to allow it to be referred to Select Committee as I have proposed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid I have to disappoint my hon'ble friend by moving my motion for recirculation of the Bill which I do with your permission, namely, that this Bill be recirculated for the purpose of eliciting opinion thereon by the 1st December, 1935.

In reply to the points urged in favour of reference of this Bill to Select Committee, I may submit that Government do seriously intend to bring a Bill incorporating some of the important changes that are considered necessary. In that connection Government propose to consider all the amendments that have been suggested by the hon'ble member in this Bill and another Bill of his. In fact, Government wanted to introduce a Bill in the present session of the Council, but as there were more urgent Government business in the current session they could not do so. We hope to introduce a Bill in the next session. I hope in view of this assurance the hon'ble member will have no difficulty in accepting my amendment.

Rai Bahadur SATYENDRA KUMAR DAS: I have no objection to the motion moved by the Hon'ble Minister as he promises to bring in a new Bill in the next session of the Council. I accept the amendment of the Hon'ble Minister and withdraw mine.

Mr. PRESIDENT: If your original motion is dropped by you, the amendment of the Hon'ble Minister will automatically fall to the ground.

Rai Bahadur SATYENDRA KUMAR DAS: In that case I would not withdraw my motion.

Then the amendment was put and agreed to.

Bengal Ferries (Amendment) Bill, 1934.

Maulvi ABDUL HAKIM: Sir, I beg to move that the Bengal Ferries (Amendment) Bill, 1934, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department,

(2) Mr. S. K. Haldar,

(3) Khan Bahadur Muhammad Abdul Momin,

(4) Maulvi Tamizuddin Khan,

(5) Dr. Naresh Chandra Sen Gupta,

(6) Maulvi Abdus Samad,

(7) Maulvi Nural Absar Choudhury,

(8) Khan Bahadur Hashem Ali Khan,

(9) Maulvi Abdul Hamid Shah,

(10) Maulvi Syed Majid Baksh,

(11) Babu Kishori Mohan Chaudhuri,

(12) Maulvi Hassan Ali, and

(13) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, I have brought forward this Amendment Bill in order to remove the exploitation and oppression that are being perpetrated for a long time past by the influential ferry-farmers of Bengal. Sir, at the time of introducing this Bill, I submitted the reasons for this amending measure. To-day, I wish to say a few words more in support of my motion.

Sir, in my district board first class ferries have been leased for 15 years and the second class for 10 years.

Sir, these long-term ferries have been the cause of great mischiefs and disadvantages in the administration of many district boards in Bengal.

In the first instance I shall say that monopoly of any trade is harmful to the best interest of the people at large. Secondly, it is financially injurious to the best interest of the district boards at large. Thirdly, a great deal of exaction and exploitation is committed by these long-term ferry-farmers upon the ignorant and helpless passengers during this long period in respect of ferry charges to be realised on goods and conveyances, such as carts, palanquins, *doolis*, etc. Sometimes a considerable number of big ferries are settled with a rich ferry-farmer by a single lot; on the other hand, comparatively small ferries are often settled separately one or two at a lot. This sort of settlement of a good many big ferries by a single lot is materially injurious to the best interest of the district boards inasmuch as this sort of settlement scares away the other comparatively small ferry-farmers each of whom would like to bid for one or two such big ferries and who could have been the highest bidders and could bring more money to the district board fund if each of these big ferries had been put to the auction sale individually, *i.e.*, one at a time.

Sir, you can very well conjecture what a great loss is caused to district boards by such a sale, when a large number of ferries is put at the auction sale by a single lot and only a big ferry-farmer bids at such a sale. I can swear that heinous underhand manipulations by the majority party of my district board members were committed when a considerable number of big ferries of my district were put to auction sale by a single lot on the last occasion. If I am permitted, I may say that many members formed a majority group and settled a large number of big ferries to that big ferry-farmer who is the biggest and most influential ferry-farmer in Bengal. At the time of this settlement no other competitor of his position was present at the sale and the bid was granted at the sweet will of this party. Thus, a considerable number of middle-class ferry-farmers each of whom wanted to bid for those big ferries, one or two at a lot, were all prevented from bidding by such arbitrary action of this party. If all these ferry-farmers could find opportunity to bid by the system of one or two at a time, a large number of comparatively small ferry-farmers could have been provided with subsistence in these days of dire economic crisis, and the House should remember what a great loss is sustained by the board when such a thing takes place. And when such a big ferry-farmer sits tight with such a long-term settlement he begins to exploit the ignorant passengers at the time of carrying goods and travelling by *doolis* and in many other ways. Fourthly, I submit that a board should not be allowed to tie the hands of its successor in respect of the management of the board's finance. The practice of allowing one board to forestall

the actions of a succeeding board is bound to interfere with the efficient management of the board, and is against the principle of electing a new board every 3 or 4 years: if one board is allowed to tie the hands of a new board, what is the necessity of having a new board?

Sir, public opinions have been invited, though it was not at all necessary to call for such public opinion in this matter, because it is not a new legislation of elaborate character. It is simply a short amendment to an old Act which has been in vogue for a long time. Sir, when the Bengal Development Bill was not required to be circulated for public opinion I do not understand why this short Bill was unnecessarily delayed for inviting public opinion. However, I do not like to criticise that point. I simply wish to say a few words about the opinions given by district boards, municipalities and various other public bodies as well as some high officials.

Sir, as far as I am aware, over one hundred opinions have been given.

As regards the opinions forwarded by the district boards of Bengal against whose long-enjoyed power I have brought this amending Bill, I am proud to inform this House that of all the district boards only two District Boards (the District Boards of Midnapore and Mymensingh) have given contrary opinions. And if you enquire for what reason these two district boards have not agreed to my amendment, you will find that they do not like to curtail the power of the district boards. The Midnapore District Board says that it does not like the amendment because it curtails the power of the board. The Chairman of Mymensingh District Board has said that, if solvent parties are available, long lease should be given to them. He also has said that when the ferry-farmers of this district themselves procure boats, they should be given long lease. Can this be any sound reason for such long lease? Can they not renew their lease after 3 or 4 years. He also said that the long term was not granted by him, but it was granted as far back as 1929, when the District Magistrate was the Chairman. Sir, you can well conjecture from this remark that even a Magistrate does not pay much attention in such an important matter, and does not like to interfere at all. Sir, this lease was forwarded to the Commissioner for his sanction, and you will find that the Commissioner also accorded his sanction without any hesitation. Does not such a state of things justify this amendment? The Chairman of the Dacca District Board, though dissentient, said that such amendment is not necessary because the Commissioner may veto such a long-term lease if it proves injurious to the public. I submit, Sir, that commissioners do not generally interfere with such matters as I said before, but why they do not interfere I cannot exactly say. Probably, this matter does not seem to be interesting to them at all.

Sir, when the big ferries in my district were settled for 10 years and some for 15 years, the Commissioner did not interfere at all.

The District Board of Rangpur, though a little dissentient, yet at the same breath says that a long-term ferry is generally harmful to the best interest of the district boards, but says that it is not necessary to lay down any hard-and-fast rule restricting such settlement. So it would be seen that all the district boards practically support my amendment. The District Board of Chittagong has said that the term of lease should not exceed 3 years. The Chairman of Nadia said that they never settle ferries for more than one year. The Chairman of Midnapore Municipality says that the object of this amendment is very reasonable. Practically almost all district boards have supported my amendment.

Sir, as regards the opinions of municipalities, I can safely say that all of them have supported my Amendment Bill, except the small municipality of Tamluk, which has stated that it does not agree to the introduction of such amendment, but it has not given any reason for such disagreement. The Indian Chamber of Commerce and all such bodies have strongly recommended my amendment.

Sir, as regards the Commissioners, I may submit that the Commissioner of the Chittagong Division fully supports my amendment and says that the amendment has advantages. The Commissioner of the Presidency Division has given no definite opinion of his own, but he has forwarded the opinions of the District Magistrates, most of whom have supported my amendment. The Commissioner of the Rajshahi Division forwards the opinions of the District Magistrates, most of whom support my amendment. The members of the House will be able to verify my statement if they will kindly look into the papers which have been already forwarded to them by the Secretary of the Council. The Commissioner of the Dacca Division says that there is no need to fetter the discretion of the district boards in this matter. Sir, really speaking, the Commissioners have in a manner supported my amendment. They are the supreme authority over the district boards, and it is natural that they may not be a willing party to give up their powers and tie down their own hands by supporting this amendment.

Sir, I have brought forward this amendment not only to put down the exploitation and oppression that are daily perpetrated by influential ferry-farmers, but also to put down unbridled corruption and bribery that are playing freely in some self-governing bodies in the province. In my district one may say that the District Magistrate or the Commissioner may interfere with such long-term leases, but I have shown by concrete examples that they do not interfere with such matters.

Finally, Sir, I appeal to the Hon'ble Minister in charge as well as to the members of this House to look into the undesirable condition of

many of the district boards and use a bit of common-sense and support my motion. I have simply moved for reference to Select Committee, and if you think, Sir, that the lease should be for a little longer period, we may do it in the Select Committee. The Select Committee will only take a few minutes' time, and I hope Government will devote this much time to save the poor and ignorant people from the hands of the influential and oppressive ferry-farmers of Bengal.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I rise to oppose the motion of my friend, Maulvi Abdul Hakim. Although I have got some faith in the principle for which he is fighting, but still I rise to oppose his motion on the ground that, as we all know, the district board is after all a self-governing institution and if we have anything to do in regard to a self-governing institution the proper course for us is not to impose any restriction on that body, but to remedy our grievance on the merits of each case within that body. Sir, as you know, local conditions vary from place to place and we should not make a common cause of a difficulty of a particular case with the whole province. So, I submit that my hon'ble friend would do well by having a resolution moved in the district board of his native district and have his grievance redressed. With these few observations I oppose the motion.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I beg to support this motion on the ground that a self-governing body should not act arbitrarily. There must be some rules framed limiting the period of lease to three years, or more, and in exceptional cases which the Select Committee can decide, the matter can go up to Government for special sanction. There is no reason that a board being a self-governing body should necessarily be an arbitrary body, and it does not seem to be a happy ideal. With these words I support the motion of Maulvi Abdul Hakim.

Khan Bahadur Maulvi EMADUDDIN AHMED: Sir, I beg to oppose this motion on the ground that the powers of self-governing bodies will be fettered by the amendment proposed. We are on the threshold of new Reforms and we must prove ourselves worthy of the same. In some cases it may be necessary to prolong the period of leases in order to enable district boards give long-term leases—say 10 years or more—as sometimes we find that a district board or a municipality which has borrowed some money has to pay the instalments on the loan. By getting these leases for 10 years or more the local bodies are able to pay up the instalments, otherwise they will be liable to make defaults. As Rai Bahadur Satyendra Kumar Das has said, if any district board goes astray, this is a matter which can be remedied

within the district board itself. Some resolution may be brought forward in the district board or the municipality which has acted arbitrarily and the matter might be stopped there. To have a general rule fettering the discretions of district boards and municipalities is the last thing that we ought to do. I therefore oppose the motion.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I regret to have to oppose the motion. I am sorry that my experience is quite different from that of my friend, Rai Bahadur Jogesh Chandra Sen. So far as the settlement of district ferries is concerned, we have found that long-term settlements are to the advantage of the district board. Under the present law, a district board can settle a ferry for 3 years only and in order to settle it for a longer period, the sanction of the Divisional Commissioner is necessary. If there is any real objection to such settlement being given, the Divisional Commissioner can judge the question on its own merits. If he thinks that it is really objectionable to grant a long-term lease, he can at once turn down the proposal and there is not likely to be any difficulty on that score.

My friend, Maulvi Abdul Hakim, states in the Statement of Objects and Reasons:—

"A great deal of exaction and exploitation is committed by these long-term ferry farmers upon the ignorant and helpless passengers during this long period in respect of ferry charges to be realised on goods and conveyances such as *doolis*, carts, and palanquins, etc. Monopoly of any trade is harmful to the best interests of the people at large."

Well, Sir, the contrary is my experience; exploitation does take place in the case of short-term leases. If a person gets lease of a ferry for one or two years, there is a sense of insecurity in his mind. He has to spend some money and on his capital outlay he may not get a proper return within such a short time; whereas if he had got a longer lease, he could be assured of his profits and could effect improvements as required under the terms of the *kabuliyat*. With regard to the objections of the mover, I desire to point out that there are specific conditions to that effect. If any ferry-farmer infringes the terms of the *kabuliyat* he can either be fined or at least his lease can be cancelled. In my district, at any rate, I know of several cases in which ferry-farmers took recourse to oppression on account of the short-term leases. I do not know what is the position in the district of the 24-Parganas and in the other district boards in Bengal, but in the Eastern Bengal districts there are many up-country people who take settlement of ferries. They have no residential houses and property in the locality and if they subsequently fail to pay the stipulated rent to the district board, the board finds it difficult to

realise the same. In a majority of cases, such persons abscond to evade payment. On the contrary, if a ferry-farmer is rich enough and comes forward to take lease of all the ferries in a district for a longer period, I would personally welcome such offer provided it is reasonable. In that case, the district board can be sure of its revenue and will not have to suffer unnecessary financial loss.

Then, Sir, the rules framed by a district board with the sanction of the Commissioner under section 7 of the Bengal Ferries Act of 1885 are wide enough. In view of these rules I do not think that there is any necessity of making any provision in the Act itself regarding the period of lease. As has been stated by Khan Bahadur Emaduddin Ahmed, the district board should be the supreme authority in the matter of the settlement of ferries. If it appears to any district board that the settlement of a lease for a long term is prejudicial to public interests, it can revise its rules accordingly. When the Divisional Commissioner is there to advise the district boards in regard to the settlement of ferries, I do not think there is any necessity whatsoever for making a specific provision in the Act limiting the period of lease to 3 years. With these observations, I oppose the motion.

Babu JITENDRALAL BANNERJEE: Sir, one of the observations of the last speaker, Rai Bahadur Keshab Chandra Banerji, was rather unfortunate. In settling these questions, it is not the interest of the district board which should be supreme—it must always be the comfort and convenience of the public and the safety and welfare of the people who use these ferries. As for the rest, however, I am very much in sympathy with the views of the Rai Bahadur. I do not understand what the Commissioner of the Dacca Division may have meant by speaking of "fettering the discretion of the district board." The question of fettering the discretion of the boards does not arise at all. Their discretion has been already fettered by law; they cannot settle any ferry for more than 3 years, except with the sanction of the Commissioner. It is entirely for the Commissioner to decide whether a long-term lease is to be granted at all or not; and there is no reason to suppose that the Commissioner will exercise his discretion recklessly, in wanton disregard of the requirements and convenience of the public.

Sir, as to the question of exploitation, it seems to me that there is a great deal of exaggeration in the matter. The rate of toll which can be charged on these ferries is always sanctioned by the Commissioner and not settled arbitrarily by the district boards or the lessees. It is hung out in a conspicuous and prominent place, and there is no excuse for not knowing what the rates are. Consequently, the room for exploitation must be very small. But, of course, in spite of all this, people are sometimes liable to be exploited, on account of their ignorance, their weakness of will and consequent inability to put up

any effective resistance to the highhandedness of others. But this has nothing to do with the period for which leases are granted.

As regards the comparative advantage of short-term and long-term leases, it is impossible to lay down any absolute, hard-and-fast rule. In my district, we have no long-term leases at all; we renew them from year to year and we find it to our advantage to do so. But the ferries in our district are small and minor affairs, and I can well conceive that the conditions must be very different in East Bengal. Lessees there may have to go in for steam launches, and, in one way or another, to put up a good deal of money for the purpose. And, therefore, it seems but reasonable that they should be granted long-term leases in order that they may get a decent return upon their expenditure. But, of course, on the occasion of every renewal of the lease, it ought to be the duty of the Commissioner to see that the lease has been properly acted on, that the conditions have been duly complied with, and that the convenience of the people has been consulted. Sir, I beg to oppose the motion of Maulvi Abdul Hakim.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I rise to oppose this motion. I find that almost all the arguments that I wanted to advance in opposing this motion have already been trotted out by the previous speakers. The first argument in support of this Bill is that long-term lease leads to exploitation. I agree with my friend, Rai Bahadur Keshab Chandra Banerji, that it is the short-term lease that may lead to exploitation. At least the chances are there. But when a lessee has a long term he may be satisfied and may not go in for exploitation. The first and foremost principle of Government in dealing with local bodies is to trust the local bodies and there is no reason why the Government should deviate from that salutary principle. I hope that is also the attitude of this House. Sir, this Bill is directly contrary to that principle, and I do not think that Government can subscribe to it. I admit that there is considerable difference of opinion amongst the district boards themselves about the merits of this Bill. Some of them are in favour of it, some are against. But I am rather disappointed to find that some of the chairmen of the district boards are not prepared to trust themselves. If they do not trust themselves certainly neither Government nor the Legislative Council could help them. Sir, the mover of the Bill was very eloquent about the oppression of the majority party. We are going to have democracy, and we cannot assume that the majority party will be always oppressive. There may be an exception, but that should not be taken as a rule. The majority party's policy will be, we hope, influenced by public opinion. As was pointed out by Mr. Banerji, the foremost consideration in settling the ferry is the convenience of the public. Sir, the public are aware that during the last few years there were some very

serious ferry disasters, especially at Noakhali, and improvement in the management of the ferries is almost out of the question, unless and until the lease is granted to a substantial ferry-farmer for a fairly long term. One cannot expect a ferry-farmer to spend sufficient amount of money in improving the ferry and placing it on a sound basis unless he is assured of a fairly long period of lease. So, in the interest of public convenience and safety, the amendment suggested by the hon'ble mover in this Bill should be opposed. Sir, it has been rightly pointed out by several speakers that the district boards have no free hand in the matter. Settling of the ferry is subject to the approval of the Commissioner. He can accept any lease or can reject it. So, that is a sufficient safeguard against any misuse of power by the district boards. In this view of the matter, Sir, I feel that there is no justification for this amendment and the Bill should not be referred to Select Committee.

As regards corruption which is one of the principal arguments——

Maulvi ABDUL HAKIM: May I withdraw, Sir?

Maulvi ABUL QUASEM: I would like to support the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Then I oppose the motion.

Maulvi ABDUL HAKIM: I want to give an explanation.

Mr. PRESIDENT: Did you not express your wish to withdraw your motion? I do not know if the Hon'ble Minister stopped on that score.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That was so. May I conclude, Sir? If there is corruption, I do not think it will be removed simply because the term of lease is short or long.

Mr. NARENDRA KUMAR BASU: Put more money into their pockets.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The chairmen and members of the district boards, I should say, are public-spirited gentlemen who discharge their responsibilities purely out of a sense of duty, and it is most unfair to assume that they will be all corrupt. If there are exceptions, certainly the present law provides sufficient safeguard against that, and if my friend, the mover of this Bill, has got any

grievance against any particular chairman or any particular district board, his duty is not to try to amend the law, but to approach the Commissioner or Government on that ground.

With these words I would oppose this Bill.

Maulvi ABUL QUASEM: I must admit I have considerable sympathy with the mover of this Bill. Sir, I am rather astonished to hear the arguments that Sir Bijoy Prasad Singh Roy has advanced. The present Act says that ordinarily a ferry cannot be leased out for more than 3 years except with the sanction of the Commissioner; so a short-term lease is the principle of the present Act itself. The Hon'ble Sir Bijoy Prasad Singh Roy says that in the interest of convenience of the public long-term leases are desirable. That goes directly opposite to the principle embodied in the present Act.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I did not say that. What I meant is this: That long-term leases may be necessary, so Government should not fetter the discretion of the district boards. The present Act does not fetter the discretion; the discretion is there, and it is now suggested that it should be fettered.

Maulvi ABUL QUASEM: I have not misrepresented my hon'ble friend. I represented him as I understood him. The House knows correctly what he said. What does the mover propose? In his own district the mover thinks that a certain enormity has been committed by the district board concerned. They have leased out a ferry for 10 to 15 years, which is unheard of in the history of district boards. I belong to a district board where ordinarily a lease is not given for more than one year. Three years is the maximum. I have consulted friends who are members of other districts. They say no lease goes beyond 3 years. In rare cases it goes beyond that, but the cases are exceedingly rare. The mover asserts that the majority of members of his district board were influenced by motives which would certainly go against the interest of the public whose trustees the members were. If members forget their duty, it is the duty of the Legislature of the province to come in and set some limits to their discretion; that is what the mover wants; he wants to set a definite and fixed limit of 3 years not to be subject to any increase; he wants to submit his Bill to a Select Committee; the Select Committee may set an increased limit. Almost all the district boards welcome this Bill except two which have gone against it. If there is such an unanimity in favour of the Bill, I do not understand why Government should oppose it. The member seeks to do a certain thing which, he thinks, is directly in the interest of and for the benefit of the public. He, of course, goes by the experience of his own district. As I have already said, the present Act wants a short term,

namely, the existing 3 years' limit, without any power of increasing it. Under the present law if a district board wants to go beyond that limit, it must go to the Commissioner for sanction. In the case referred to by the Member in charge of the Bill, the Commissioner gave his sanction. Lease of a ferry for such a long period is unheard of in other districts. The mover is definite that the majority of members were actuated by unworthy motives. I do not see why the Legislature should not exercise their right of setting a limit in view of what has happened in this district. It does not hurt anybody. Then the question of principle arises. It is said a local body's discretion should be respected. What is the order of the day? Responsibility *plus* safeguard. That is the principle of the Bill which has just been passed by the two Houses of Parliament and it is going to govern the administration of this country for many years to come. Well, if the Parliament has laid down this principle in the interest of and for the benefit of India, why should not our Government take a leaf from the British Parliament and introduce it here? Government in the Bengal Local Self-Government Act and the Bengal Municipal Act have been made the ultimate custodians of the interest of the people. Whenever a district board or a municipality goes wrong, Government have reserve power in their hands to bring these bodies to book. Here something is going wrong. If lease of a ferry is to be given for 10 years or 15 years it cannot ordinarily be for the benefit of the public; the revenue of the district board is bound to be affected. A particular district board which has life only for 4 years would tie the hands of the future district boards by granting long leases. That principle is wrong. This aspect of the case does not appear to have been touched upon by previous speakers. If a ferry is leased for a long term, the board cannot take advantage of a rise in the value of the ferry before the period expires. That is undesirable. From that point of view a long-term lease is to be condemned. This aspect should be taken into consideration. Why fetter the future expansion of the revenue of a district board and why tie the hands of successive district boards? Therefore, I think the Bill is worthy of serious consideration. It wants to have something which is right in principle, and I cannot understand the attitude of the Government in opposing it.

I wholeheartedly support the motion.

Dr. NARESH CHANDRA SEN GUPTA: As regards this motion, I have listened to the debate with a perfectly open mind. I have listened to the arguments adduced; they are certainly convincing as regards long-term leases in some cases. Take, for instance, a ferry like the one at Noakhali or at Narayanganj where they have to maintain a steam launch. It is impossible to maintain a steam launch ferry on 3 years basis. On the other hand, the great majority of ferries are

such that a 10 years' or 15 years' lease is not necessary. Therefore, what is wanted is a limitation to a short-term lease with special provision for long-term leases.

Khan Bahadur Maulvi EMADUDDIN AHMED: It is already there.

Dr. NARESH CHANDRA SEN GUPTA: My friend says it is there: I am coming to that.

The only safeguard now provided against abuse is that if you want a long-term lease, you must have the sanction of the Commissioner. The Hon'ble Sir Bijoy Prasad Singh Roy was very enthusiastic over, or rather emphasised very much, the necessity for having confidence in district boards; but what was working at the back of his mind was—"have confidence in our Commissioners." What has happened in Mymensingh shows that you cannot have that confidence in the Commissioners, if not for any other reason, for the simple reason that the Commissioners have too much to do in other ways and too little time to concern themselves with the matter of a lease of a ferry in a particular district, perhaps any outlying district. That is no safeguard at all. If you want to provide an effective safeguard, if it is to be the principle that the leases are to be short term and are to be lengthened only in special cases when circumstances justify it, do not for heaven's sake leave it to the arbitrary decision of the Commissioner. Have something in the Bill. Mr. Abdul Hakim's Bill offers an opportunity for discussing it. If it goes to the Select Committee, it is possible it will come out in a shape which will provide an automatic principle or a principle upon which we can rely far better than upon this principle of utter confidence in Commissioners.

Maulvi ABDUL HAKIM: My friend Rai Bahadur Satyendra Kumar Das and some other members of this House who are connected with district boards said that we should trust the district boards and not curtail the power of the district boards. But I regret to say that members of many district boards are not honest men nor are they all *Dharma Putra Judhistirs*——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I rise on a point of order, Sir? Is it fair on the part of the hon'ble member to say that the members of the district boards are not all *Dharma Putra Judhistirs* and are not all honest men?

Mr. PRESIDENT: He has not named anybody. But at the same time I deprecate a sweeping remark of that kind.

Maulvi ABDUL HAKIM: I have not mentioned any name; but in any case, I withdraw that remark. I have simply made a prayer for referring the Bill to a Select Committee, and ask the Hon'ble Minister to accept it. I have already explained in detail what is going on in my district board. To tell you the truth if I mention all the things that are going on in my own district board, I think the proceedings of this Council would be vitiated altogether. I do not like to reiterate those things to-day. If the Bill goes to Select Committee, there will not be any harm to anybody. The statute book will not be altered: the heavens will not fall asunder and the order of things will not be such as to cause the sun to rise in the west. There will be absolutely no harm. If any amendment is required to my Amendment Bill that can be done in the Select Committee. I think the Hon'ble Minister in charge of the Department will think seriously about the matter and will change his attitude and will agree to my proposal.

Mr. PRESIDENT: I draw the attention of the House to the first part of the motion, namely, that the Bengal Ferries (Amendment) Bill, 1934, be referred to a Select Committee.

The question being put, a division was taken with the following result :—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Maulvi Syed Osman Haider.
Chokhany, Rai Bahadur Ram Dev.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Quasem, Maulvi Abul.
Ray, Mr. Shanti Shekhareswar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Tarafder, Maulvi Rajib Uddin.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Arthur, Mr. G. G.
Bal, Babu Lalit Kumar.
Bal, Rai Bahadur Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Bannerjee, Babu Jitendralal.
Bazir Uddin, Khan Sahib Maulvi Mohammed.
Bose, Mr. S.
Bose, Mr. S. M.
Chanda, Mr. Aparva Kumar.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Cohen, Mr. D. J.
Das, Babu Guruprosad.
Das, Rai Bahadur Satyendra Kumar.
Farequi, the Hon'ble Nawab R. G. M., of Rainpur.
Faweus, Mr. L. R.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Haldar, Mr. S. K.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. G. P.
Hooper, Mr. R. G.
Khan, Mr. Nazaar Rahman.
Lockhart, Mr. A. R. E.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Surat Chandra.
Mullick, Mr. Nahendra Behary.
Nag, Babu Suk Lal.
Nandy, Maharaja Sris Chandra of Kasimbazar.
Poddar, Mr. Ananda Mohan.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray, Babu Amulyadhan.

Ray, Babu Khetter Mohan.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Rexburgh, Mr. T. J. Y.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Babu Haribansa.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Rai Bahadur Akshoy Kumar.
Sen, Rai Bahadur Gris Chandra.
Singh, Srijut Taj Bahadur.
Solaiman, Maulvi Muhammad.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

The Ayes being 18 and Noes 58, the motion was lost.

The Bengal (Rural) Primary Education Bill, 1935.

Maulvi ABDUL HAMID SHAH: Sir, I do not wish to move my motion now. I should like to move it at the next session.

Mr. PRESIDENT: There is no objection to that.

The Bengal Medical (Amendment) Bill, 1934.

Babu JITENDRALAL BANNERJEE: Sir, I beg to move that the Bengal Medical (Amendment) Bill, 1934, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. R. N. Reid,
(2) Munindra Deb Rai Mahasai,
(3) Mr. P. Banerji,
(4) Dr. Naresh Chandra Sen Gupta,
(5) Mr. Shanti Shekhareswar Ray,
(6) Maulvi Abdus Samad,
(7) Maulvi Tamizuddin Khan,
(8) Khan Bahadur Muhammad Abdul Momin,
(9) Mr. A. R. E. Lockhart,
(10) Dr. Amulya Ratan Ghose, and
(11) the mover,

with instruction to submit their report within two weeks from the date on which this motion is carried in Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

With your permission, Sir, I should like to put in the name of Mr. Lockhart in place of Mr. Norton, whose consent has not yet been received.

Mr. PRESIDENT: Yes, you have my permission to do so.

Babu JITENDRALAL BANNERJEE: Sir, the measure which I am going to place before the House is so modest in character, and, even from the merely physical point of view, its dimensions are so exiguous that I am sure the Hon'ble Mr. Reid will not have the heart to oppose it. I am sure that he will accept it and send it with his blessings to the Select Committee over whose deliberations he will preside with its usual tact and dignity. But after all, Sir, we have to provide against contingencies, and there is just a contingency that Mr. Reid may not fall in with my optimistic views. And so, to provide against this apparently unlikely contingency, I have to make certain points in support of my measure.

Some members of this House seem to labour under the impression that one of the effects of this Bill would be that any and every medical practitioner in the country would be admitted to the privilege of registration. I should like to assure them, Sir, that there is absolutely no ground for any such fear. On the contrary, I have provided that only qualified persons will be admitted to the privilege of registration; and even then, this admission will be subject to the discretion of the Governor in Council, and the Governor in Council will, first of all, consult the Medical Council, which itself is an official body. Sir, when the present Medical Act was passed in 1914, its object was to extend the privilege of registration to certain specified classes of medical practitioners—for instance, to all who were qualified to practise under the English Medical Act of 1858, to the medical graduates of the different Indian Universities——

(At this stage the Council Secretary was speaking to the Chair on some matter.)

Sir, I am entitled to the undivided attention of the Chair; and as I find that his attention is distracted for the time, I have to stop in the midst of my speech.

Mr. PRESIDENT: Mr. Bannerjee, did you really say anything important which I did not hear?

Babu JITENDRALAL BANNERJEE: No, Sir. (Laughter.) I simply did not like to do so during your inattention. As I was saying, when the Bengal Medical Act was passed in 1914, the privilege of registration was extended to certain specified classes of medical practitioners. For instance, all those who were entitled to practise under the English Medical Act of 1858 were admitted automatically to the privilege of registration, together with medical graduates and degree-holders of the different Indian Universities. At that time, Sir, there

were several medical institutions in Calcutta, which were not officially recognised, though they were institutions of very good repute; and there were many persons who had received and were still receiving a full course of training in these institutions. For the benefit of the students reading in these institutions, it was provided in the Bengal Act that they too would be admitted to registration if they could qualify themselves by sitting at an examination to be held in the years 1915 and 1916. The privilege was subsequently extended to the session of 1917 also. But, Sir, there were a large number of people practising in the interior of the mufassal; they knew nothing of the concession which had been thus given and could not avail themselves of it. They, therefore, did not appear at the examination, and have, accordingly, been debarred from the privileges which the Medical Act conferred. There are 450 such persons at the present moment. There may be more: I am not quite sure of the number; mine is only a conservative estimate. These persons, to the number of 500 or so, are at the present time practising with repute in tea-gardens, mines, plantations, etc., but at the same time they are suffering from various handicaps. For instance, they cannot give certificates under the Leprosy Act or the Lunacy Act, or other certificates which would be valid for purposes of leave and medical fitness. These are real and serious handicaps; and my object in moving this amending Bill is to extend the privilege of registration to all these people—people who have passed through a regular course of training and who have been practising with good repute, not in recent years only but have been practising with equally good repute from before 1914.

The House will observe the various safeguards which have been provided in my Bill against the misuse of the privilege of registration. In the first place, the people must prove that they have undergone a full period of training in a reputed institution. Then, again, they must have been practising from before 1914, when the Medical Act first came into force. Even so, even if they possess these qualifications, they will not be entitled, *ipso facto*, to the privilege of registration, for I have provided that this privilege of registration can only be conferred by the Governor in Council, which means my friend, the Hon'ble Mr. Reid. Another safeguard is that the privilege can be conferred only after consulting the Medical Council, a body which has been set up by Government themselves, under the provisions of the Medical Act of 1914. There being so many of these safeguards, and such being the value and validity of the safeguards, I do not think that there is any risk of the country being flooded with quacks.

After all, Sir, the privilege that I contend for is nothing new. The Bengal Medical Act is not the only Act of its kind which is in force in India. Almost every province in India has got a similar Act, and in the Act of every such province there is a statutory provision for the

concession which I am asking in the case of Bengal. In the case of the Bombay Medical Act, which was passed prior to the Bengal Act, viz., in 1912, in section 7 of the Act, there is this distinct provision, the very same provision that I wish to enact in my Bill, to the effect that everybody who was practising—mark you, Sir, they do not insist even upon a regular course of training or upon any qualifications whatever. The language is that whoever was practising before 1912, when the Bombay Act came into force, would be entitled to the privilege of registration subject only to the discretion of the Governor in Council after previous consultation with the Medical Council of the province. I want nothing more—nay, not even so much. On the contrary, my scheme is far more restricted, for I have insisted on previous training and on the possession of proper medical qualifications. Now Sir, turning from Bombay let us pass on to the Punjab. In the Punjab, also, there is a Medical Act—the Punjab Medical Act of 1916. And in that Act, also, there is the very same provision: they, too, do not insist upon previous training and full medical qualification; their provision is that whoever had been practising medicine before 1916 would be entitled to the privilege of registration, subject, of course, to the Governor in Council exercising his discretion in this regard. A provision to the same effect is, also, to be found in the Burma Medical Act and in the United Provinces Medical Act. In some of these Acts the provision is embodied in the statute, while elsewhere it is embodied in statutory rules, which, however, have the same force as a statute. Then, again, it is not simply in India that we have a provision of this nature. The parent Act upon which all these Indian Acts have been based, viz., the English Medical Act of 1858, has also a very similar provision, viz., that, whoever had been practising—here, also, there is no question of qualification at all, no question of previous training—whoever had been practising from before 1858 would be entitled, *ipso facto*, and automatically, to the privilege of registration. But, Sir, my demand here is humbler and much more modest; and, therefore, I contend that, in view of the spirit behind this measure, the Hon'ble Mr. Reid will have no objection to accepting my motion to refer the Bill to Select Committee.

In conclusion, Sir, I can assure him that if there is one point which stinks in his nostrils—I mean clause 1(*b*)—I am quite prepared to delete it if the rest of the measure is found acceptable.

Mr. H. S. SUHRAWARDY: Sir, I am sure that after the very cogent reasoning of Mr. J. L. Bannerjee the Hon'ble Mr. Reid will have no other alternative but to agree to his motion. I find that the Hon'ble Mr. Reid's attention happens to be divided at the present time,

and the attention of the Chair also is equally divided, but I hope that the Hon'ble Mr. Reid will accept the very moderate motion of Mr. Bannerjee, after listening to the debate. I feel perfectly certain that when the Hon'ble Member made up his mind to oppose this motion, he did not know all the facts that have been so ably marshalled by the mover. What earthly plausible reason can the Government of Bengal put forward for disaffiliating these people when almost every other Government in India has accepted the qualifications possessed by these men as sufficient qualifications for giving these various certificates? I do not know whether certificates under the Leprosy Act or under the Lunacy Act form a considerable source of revenue to medical practitioners; but certainly certificates for leave and certificates to a person of inability to attend court and give evidence do form a very lucrative source of revenue to medical practitioners. And there seems to be no reason why these persons should be deprived of this additional source of income. These gentlemen are perfectly well qualified. I am not quite certain that the doctors that are being produced now—although they may have high-sounding degrees—are any better qualified than these gentlemen; nor do I know whether medical science has proceeded so far as to have left these people far behind in the lurch. But if there is one thing which speaks in their favour it is this, that those who were practising in 1914 are still going strong in 1935. Their valuable knowledge of medical science and their ability to keep themselves alive show that they can, possibly, keep their patients also alive better than doctors of the present day. Most of these gentlemen are practising in the villages. They have a great deal of technical knowledge, and it is far better that these gentlemen should be entrusted with full powers rather than that the villagers should have to go to quacks. I do not necessarily suggest that, in order that certificates should be given, the villagers should go to quacks, or that the persons to whom these villagers go are quacks. But there is no reason why these persons should not have these additional sources of revenue and maintain their position better. The mere fact that Government is not giving this privilege to them will be construed—and I think rightly construed—as a sort of slur on the part of Government towards these men and would imply that Government hold the view that these gentlemen are not so fit as the doctors from 1915 onwards. Mr. Bannerjee has given adequate reasons why they could not avail themselves of the facilities that were granted to them for appearing at the examination for four years. But, apart from that, I think that some of those who did not avail themselves of these facilities should not be penalised because, although they could do so, yet they did not, as they were trained under different rules and under a different regime; but they have been found to be satisfactory all the same. I would, therefore, support Mr. J. L. Bannerjee, and I hope that the House in this measure at least will induce the Hon'ble Mr. Reid to alter his mind.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I am not a medical man, and I cannot possibly express an expert opinion on this matter. These medical men, who are large in number, are labouring under a great grievance, and I think it is fair that their grievance should be examined by the House. From that point of view I support the motion of Mr. J. L. Bannerjee.

Mr. P. BANERJI: Sir, I rise to support the motion of my friend Mr. J. L. Bannerjee. As Mr. Bannerjee has expressed his desire to omit clause 1(*b*), I think that there can be no objection whatever on the part of the Government to accept his motion. Mr. Bannerjee has given the figure of 500 as the number of medical practitioners who are very hard hit by the provisions of this Act and who cannot give certificates in different cases. That figure I consider to be very small. From the information that I have received the figure is something like 3,000. These 3,000 practitioners are scattered over different parts of Bengal. Sir, I will just explain to you the position. It is that there are some medical schools. As an instance I take Bankura. Before this Act came into force the particular school was training boys under some curriculum and giving them certificates. On the passing of the Act the school was affiliated. About 300 boys passed out of the school before its affiliation and these doctors have been practising since then. You can just conceive, Sir, what difference it makes between boys passing from a certain school before the passing of this Act and the affiliation of the school undergoing the same curricula and under the same teachers and boys who have passed out of the school after it was recognised by Government. I think there is no difference whatever in the quality of the medical men who have come out, for instance, from the Burdwan School and those from Bankura School. Similarly, there are other schools, *e.g.*, the National Medical School, the Calcutta Medical School, etc. We consider that in the present state of the country it is very difficult for people living particularly in the interior to get the aid of qualified medical men. These men practise in the mufassal. As Mr. Bannerjee has pointed out, they are not allowed to give certificates. Another thing is that these persons after the passing of the Act have not been allowed to keep cocaine and morphia or to administer these drugs. As you know, Sir, people have sometimes to take these drugs. But these doctors cannot treat such cases in which such drugs are to be administered even if such cases be of emergent character. Therefore, I submit that it is quite in the fitness of things that the Government of Bengal should now consider this matter and accept this very modest suggestion of Mr. Bannerjee as we find that similar provision has been enacted in other provinces of India. I hope that Government will see its way to accept this modest proposal of Mr. Bannerjee.

Mr. A. R. E. LOCKHART: Mr. President, Sir, in view of Mr. Bannerjee's promise not to press the second provision in his Bill giving retrospective recognition to students of unrecognised institutions and in view of the fact that many provincial Acts and the British Act of 1858 have a provision of the nature suggested by Mr. Bannerjee, namely, of recognition without examination of men already practising before a certain Act came into force, the European Group will support Mr. Bannerjee's motion for reference of his Bill to Select Committee. There remains, after Mr. Bannerjee's admirable advocacy of his case, almost nothing for me to say. But I should like to mention one point now that I have an opportunity and that is with reference to the many unregistered medical men who are employed on tea-gardens and at jute mills and other industrial concerns who apparently fear that unless this Bill is passed, they will be thrown out of employment. That is not so, because they have been labouring under the same disabilities for the last 20 years and they are still employed. There is no doubt that they would continue to be so employed, and we are not supporting this Bill particularly with a view to help them as they are assured of continued employment. But we are supporting it simply on grounds of equity after hearing Mr. Bannerjee's argument. The European Group, as I have already said, support the motion to refer the Bill to Select Committee.

The Hon'ble Mr. R. N. REID: Sir, after the charming manner in which Mr. J. L. Bannerjee introduced this Bill and the disarming way in which he referred to his diminutive Bill, it is a matter of regret to me that I have to oppose the motion. But Government have decided to oppose this Bill on a matter of principle.

Sir, Mr. Bannerjee has quoted the provisions in the Medical Acts of other provinces, viz., the Punjab, Bombay, Madras, and Burma. He is perfectly right when he says that they all contain provisions to the effect that persons who were practising medicine on the day when the Medical Acts came into force in those provinces might be registered—that is perfectly true, Sir. But, in Bengal, a different principle was adopted. When the Hon'ble Mr. Stephenson, as he then was, introduced the Bill in 1914, he said that to put the name of an unqualified man on the register would be to lower the standard of the register; to inflict a harm on persons who were properly qualified in medicine; and to lay Bengal open to the criticism—and rightly so—that her register was of little good. But, at the same time, the hard cases were taken into consideration and the line which the Bengal Legislative Council then adopted was to leave it open to unqualified practitioners to qualify themselves within a specific period. In 1915 a notification was issued to the effect that persons who could produce certificates from a medical institution that they had undergone a course of training would be

furnished with a certificate to enable them to appear at the Final Examination for the Licentiateship of Medicine. The time given for this transitional period was first two years and it was extended further up to November, 1919. So, in Bengal they were given 4½ years within which they could get over this disqualification; and I would add that in the case of the Belgachia Medical School this period was extended beyond the 4½ years up to 10 years. It cannot therefore be said, I think, Sir, that these practitioners did not have ample opportunity to attain the qualifications which would enable them to be placed on the register—and I think that Bengal should pride itself on keeping its register at a high standard rather than let it go down by allowing the registration of persons who are not qualified. It will be remembered, Sir, that before 1914 when this question came up to Government and eventually resulted in the Medical Act of 1914, there was a great demand for legislation of this sort—a demand which was put forward by the Faculty of Medicine of the Calcutta University, by the Council of the Medical College and by other bodies including the medical graduates of the University. This demand was put forward on these grounds, viz.—

First, that it was necessary, and most desirable, that the system of Western medicine which was then spreading very widely should not fall into disrepute by being practised by unqualified persons.

Secondly, they held, and held rightly, that those medical practitioners who had taken the trouble to qualify themselves by going through the courses of medicine and surgery which were necessary to obtain the various degrees, had a right to be protected from unfair competition from those who had not so qualified themselves.

Thirdly, and this is an important point—a point which Mr. Bannerjee himself drew attention to not long ago in referring to ferries—that the public are entitled to consideration, and to have some reasonable means of distinguishing between qualified and unqualified medical practitioners.

Those, Sir, were the principles on which Government based their Bill in 1914, and I think it will be agreed that those practitioners who did not take advantage of the time, 4½ years for all and as much as 10 years for some—which was given them to qualify in order to get themselves placed on the register—have had their chance; and now, 21 years after, it seems scarcely reasonable that they should claim to have so much further consideration proposed shown to them. It is not the case, as Mr. Lockhart has pointed out, that these unqualified men have

been deprived of their livelihood. Far from it—it was recognised in the discussion on the Medical Act in 1914 that the Bill did not purport, nor intend, to deprive anybody, even unqualified men, of the privilege of practising. Any member of the public who considers an unqualified man, *i.e.*, one whose name is not on the register and whom he considers good enough to consult when he is ill, is quite entitled to do so, and there is nothing to prevent an unqualified man from practising. The only point is that the public should have a chance of knowing and of being able to distinguish between those who are qualified and those not so qualified, and that the qualified men should not suffer from the disability of competition by unqualified persons. As I said before, it is a matter of regret to me that I have to oppose this Bill, especially as Mr. Bannerjee—if I understood him aright—proposes to drop the second portion of this Bill, because that portion is of course open to far greater criticism than the other part. On the question of principle, however, Government have decided to oppose the motion to refer this Bill to Select Committee.

Babu JITENDRALAL BANNERJEE: The Government case is so very feeble that there is really very little for me to say. Quoting the opinion of one of his predecessors, Mr. Reid said that Mr. Stephenson, who was in charge of the department in 1914, was against placing a number of unqualified men on the register. That is precisely the point which I wish to take up with him. Why do you call these men unqualified? Is it simply because they have not passed an examination? The mere fact that these people have been practising for more than 20 or 30 years with success, with good repute, that they have been able to hold their own against competition on the part of degree-holders, is not that fact sufficient by itself to show that they are qualified? I do not say that Government should extend the privilege to everybody, but I *do* say that the question whether a candidate is qualified or not will depend upon the decision of the Government itself.

Khan Bahadur MUHAMMAD ABDUL MOMIN: But who is to decide their merits?

Babu JITENDRALAL BANNERJEE: You are not the Government as yet, Mr. Momin. You may not have sufficient confidence in your power of judgment and decision; but the members of the Government have. And, in any case, Government will always have the benefit of the opinion of the Medical Council. These are safeguards enough and to spare.

Khan Bahadur MUHAMMAD ABDUL MOMIN: But what about not passing any examination?

Babu JITENDRALAL BANNERJEE: You know nothing about examinations; I do, and I know that there is no more deceptive test than that of an examination. For the last few days, I have been examining M.A. papers in English, and my friend would be surprised to hear that some of these candidates spell "go" as "goe," and yet they have got their B.A. degrees. My opinion is that an examination is no test of efficiency, and is certainly not the sole and sufficient test of efficiency. When a man has been practising for many years with success against hard and keen competition, there is at least a *prima facie* presumption in his favour that such a man is qualified, and whether that presumption is justified or not will be judged by the Government.

Sir, I would like to mention one other point. As far back as 1918 this Council adopted a resolution in favour of granting the privilege of registration to these so-called unqualified practitioners. And this resolution was adopted, not on the advice of quacks but on the advice of expert and competent medical men, whose qualifications even Mr. Momin is not in a position to dispute. Sir, this resolution, extending the privilege of registration to the very class of persons for whom I am contending, was passed by a majority of the House on the initiative of no less a person than Sir Nilratan Sarkar. The Hon'ble Member said something about maintaining the level of the Register. But does he intend that the Bengal Register should be maintained on a higher level than that of England? (THE HON'BLE MR. REID: Why not?) Ah, you are talking of an ideal and absolute standard. But, why insist on this ideal only in the case of the poor Indian medical practitioners? Under the English Act, there is a provision that even unqualified and unpassed men, if practising with success for a number of years, should be given the privilege of registration. This is the example set even by a country like England? Why should we not follow that example here?

Mr. PRESIDENT: I will divide this motion into two parts, the first part that I am now putting is that the Bengal Medical (Amendment) Bill, 1934, be referred to a Select Committee.

The question being put, a division was taken with the following results:—

AYES.

Ali Maulvi Hassan.
Arthur, Mr. G. S.
Banerji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Khan Bahadur Maulvi Nashem Ali.
Khan, Maulvi Tamizuddin.
Lesson, Mr. G. W.
Lockhart, Mr. A. R. S.
Maiti, Mr. R.
Mukhopadhaya, Rai Sahib Surat Chandra.

Mallick, Mr. Mukunda Behary.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Podder, Mr. Ananda Mohan.
Qasem, Maulvi Abul.
Rai Mahasai, Maniendra Deb.
Ray, Mr. Shanti Shekhareswar.
Roy, Mr. Sarat Kumar.
Samad, Maulvi Abdus.

Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Stevens, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Wordsworth, Mr. W. C.

NOES.

Ahmed, Kaha Bahadur Maulvi Emaduddin.
Bal, Babu Lalit Kumar.
Bal, Rai Bahadur Sarat Chandra.
Bazir Uddin, Khan Sahib Maulvi Mahammed.
Basu, Mr. S.
Bose, Mr. S. M.
Chanda, Mr. Aperva Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chowdhury, Nuji Badi Ahmed.
Cohen, Mr. D. J.
Das, Babu Baruprosad.
Farequi, the Hon'ble Nawab K. G. M., of Ratanpur.
Fawcus, Mr. L. R.
Hitchrist, Mr. R. R.
Gladding, Mr. D.
Guha, Mr. P. N.
Haidar, Mr. S. R.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. G. P.

Hooper, Mr. C. G.
Khan, Mr. Razzar Rahman.
Mitter, Mr. S.C.
Mitter, the Hon'ble Sir Brojendra Lal.
Momin, Khan Bahadur Mahammad Abdul.
Rahoem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Reid, the Hon'ble Mr. R. R.
Rexburgh, Mr. T. J. Y.
Roy, the Hon'ble Sir Bijay Prasad Singh.
Ray, Babu Haribansa.
Roy, Mr. Saileswar Singh.
Sahana, Rai Bahadur Satya Kishar.
Sen, Rai Bahadur Akshay Kumar.
Stevens, Mr. H. S. E.
Townsend, Mr. H. F. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Sir John.

The Ayes being 33 and the Noes 41, the motion was lost.

Mr. PRESIDENT: Order, order. The Council stands adjourned till 3 p.m. on Monday.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 19th August, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 19th August, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 82 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Leprosy in Bankura.

*45. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that from various surveys it has been found out Bankura has got the highest leprosy taint in the province and that it is on the increase;

(*ii*) that the officials and non-officials of the district settled to tackle the menace of leprosy by setting up one leprosy clinic for every two or three of the 183 unions of the district;

(*iii*) that about 25 clinics have been set up, some charitable people building the houses at their own cost and the district board giving financial help for the medicines and instruments and the reward of the doctors who are mostly voluntary workers;

(*iv*) that in spite of such help from the local people, the financial help rendered by the district board, owing to paucity of funds, is not adequate and so more clinics could not be started; and

(*v*) that the officials and non-officials of the district approached the Government for financial help for the proper running of the present clinics and increasing their number?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what financial help for those clinics has been given or do the Government contemplate giving either through the district board or the District Magistrate.

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) From the surveys undertaken by the Bengal Branch of the British Empire Leprosy Relief Association it has been established that Bankura has a high incidence of leprosy. There is no definite proof, however, that leprosy is on the increase in the district.

(*ii*) A scheme for combating leprosy in the district, drawn up by the Bengal Branch of the British Empire Leprosy Relief Association, was adopted by a board of officials and non-officials of the district who have been trying to give effect to it. All the 183 union boards in the district are not infected with leprosy. Leprosy clinics have been started generally by groups of 3 or 4 union boards, but there are cases in which individual union boards have also done the same.

(*iii*) Thirty-one clinics have so far been started in the district out of which two are run by missionaries and six by the district board. Of the remaining 23, three are run by the Sonamukhi Municipality in co-operation with union boards, the rest are union board clinics, there the treatment is given by voluntary workers, the union boards are meeting the cost of appliances and medicines in proportion to the number of patients attending from each union board.

(*iv*) This is so; but the problem is to keep the clinics already started in efficient running order.

(*v*) Yes.

(*b*) No grant has been given by Government, but the question whether any grant will be given towards the running of these clinics is being examined.

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state the time when the people of Bankura can expect to have the results of this examination?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is very difficult to give any definite date, but it will be in the course of this year.

Loan companies.

***46. Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to lay on the table a statement showing—

(*i*) the number of loan offices at present in existence in Bengal;

(*ii*) the number of loan offices that have gone into liquidation (voluntary or otherwise) since 1929;

(*iii*) the amount of share capital of these loan offices;

(*iv*) the amount of deposits received by these offices; and

(*v*) the amount of loan invested by these offices in rural areas?

(*b*) Is the Hon'ble Member aware—

(*i*) that these loan offices were so long providing credit facilities to rural Bengal; and

(*ii*) that they are in a deplorable condition due to general economic depression?

(*c*) Will the Hon'ble Member be pleased to state what steps, if any, the Government are taking—

(*i*) to enquire into the causes of the ruin of these loan offices; and

(*ii*) to organise and improve their condition?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) On 31st March, 1935, there were 1,045 banking and loan companies on the register of incorporated companies in Bengal.

(*ii*) 56.

(*iii*) Authorised Rs. 11,96,90,000; subscribed Rs. 1,09,13,315; and paid up Rs. 98,00,115.

(*iv*) and (*v*) Figures are not available.

(*b*) (*i*) and (*ii*) Yes.

(*c*) (*i*) The main cause of the financial difficulties of the loan offices in Bengal is the failure of the persons to whom the offices have granted loans to meet their obligations in regard to such loans. This failure in its turn is due to the low prices of agricultural produce.

(*ii*) The financial position of the loan offices will not improve until there is an improvement in the financial position of their debtors. And a material improvement in the financial position of their debtors depends very largely upon an increase in the prices of agricultural produce.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state whether Government are prepared to help these loan offices by advancing deposits at a low rate of interest?

The Hon'ble Sir JOHN WOODHEAD: I doubt very much whether Government would be prepared to do so, Sir.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether or not registers are maintained by the loan companies to show the amount of deposits and the amount of money invested?

The Hon'ble Sir JOHN WOODHEAD: I presume the companies maintain accounts showing the amounts due to the depositors.

Rai Bahadur KESHAB CHANDRA BANERJI: Why is it then that these figures are not available?

The Hon'ble Sir JOHN WOODHEAD: Because the accounts are kept by the individual loan officer and not by the Registrar of Joint Stock Companies.

Jessore Zilla School.

*47. **Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the number of Arabic and Persian students in some of the upper classes of the Jessore Zilla School is almost equal;

(*ii*) that there is only one maulvi in that school; and

(*iii*) that it was remarked by the inspecting authorities that another Persian teacher is necessary?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state when another Persian teacher is either going to be transferred to, or appointed in, that school?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) (*i*) This is the case in class VII only.

(*ii*) and (*iii*) Yes.

(*b*) There is no possibility of transferring a second Persian teacher from elsewhere, and such a teacher cannot be appointed until the requisite funds are available, but Government are considering the matter.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether the inspecting authorities were also of opinion that no teacher could be supplied by transfer?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have already answered that Government are considering the matter; beyond that it is not possible to say anything.

Maulvi SYED MAJID BAKSH: Will it be possible for Government to appoint a teacher by January next when funds will be made available by Government?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I cannot forecast the financial situation as to what will happen in future.

Maulvi SYED MAJID BAKSH: Will it be possible to make any immediate provision for this?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is very difficult to do so, as no money has been provided for this in the budget.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Minister aware that he can find money by appropriation, if he so desires?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I shall be glad to have my friend's advice in this matter.

Jail holidays.

*48. **Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the names of Government holidays which the jail officers are allowed to enjoy in a year; and

(*ii*) whether the jail officers are allowed to take Sundays and other jail holidays with the permission of the Superintendent without any curtailment of the number of days allowed as casual leave?

(*b*) Is it a fact that the days during which the jail officers remain in the jail quarters on account of illness are counted towards their casual leave?

(*c*) If the answer to (*b*) is in the affirmative, is the Hon'ble Member considering the desirability of relaxing the rules in case of the jail officers?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*) In addition to Sundays, the following are allowed as Gazetted holidays:—the second day of the Durga Puja, the Saraswati Puja, Doljatra, Idul-Fitr, Id-uz-zoha, Muharram, Christmas Day, Good Friday and King-Emperor's Birthday.

(*ii*) Yes.

(*b*) Yes, but Head Warders and Warders may be granted hospital leave under Subsidiary Rule 209.

(*c*) No. Jail officers may be given 15 days' casual leave during the year in place of 10 days admissible in other departments.

Allowances to jurors.

***48. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that the jurors attending courts of sessions in the mufassal towns are ordinarily paid now from Re. 1 to Re. 1-8 as halting charges daily; but

(*ii*) that the rules provide payment up to Rs. 5 per diem;

(*iii*) that they are paid as their travelling expenses, inter class, and in some cases even third class railway fares, where there is railway connection; but

(*iv*) that they are not paid for any other conveyance such as boat, motor car or palanquin?

(*b*) Is the Hon'ble Member also aware—

(*i*) that the jurors drawn from respectable classes of society cannot cover their journey and halting expenses with the allowances sanctioned by the judges; and

(*ii*) that many of them are now unwilling to serve on the jury and secure exemption on various pretexts to the detriment of the administration of criminal justice?

(*c*) What is the reason for not sanctioning the usual rate of Rs. 5 per diem as halting?

(*d*) How long has the usual rate been discontinued?

(*e*) Are the Government considering the desirability of taking steps for the restoration of the usual rate?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) and (*ii*) They are paid up to Rs. 2 in the case of ordinary and Rs. 3 in the case of special jurors unless the trial lasts more than 2 weeks in which case they are paid at an increased rate up to Rs. 5 per diem according to the rules in force.

(*iii*) The District Judges exercise their discretion in the matter according to the merits of each case.

(*iv*) This is not correct. Conveyance charges are included in travelling expenses and are paid in suitable cases.

(*b*) (*i*) This is reported to have happened on some rare occasions but the small sacrifice is expected in the interest of public duty from the respectable classes.

(*ii*) Government have no such information.

(*c*) Rupees 5 per diem has never been the "usual rate."

(*d*) The existing rules about allowances of jurors have been in force since June, 1932.

(*e*) No further revision of the rules is at present under the consideration of Government.

Mr. NARENDRA KUMAR BASU: With reference to (*b*) (*i*), is any sacrifice in the interest of public duty expected from respectable classes in the official hierarchy?

The Hon'ble Sir BROJENDRA LAL MITTER: Members of the official hierarchy cannot act as jurors.

Mr. NARENDRA KUMAR BASU: Do the members of the official hierarchy make any small sacrifice in the matter of travelling allowances in the interest of public duty?

The Hon'ble Sir BROJENDRA LAL MITTER: That question does not arise.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Is it for the Hon'ble Member to say whether the question is relevant or not?

Mr. PRESIDENT: He meant that I should rule it out of order. What is your contention, Sir Brojendra?

The Hon'ble Sir BROJENDRA LAL MITTER: May I make my submission to you? The question refers to the travelling allowances of jurors; and we are concerned only with the question whether such allowances are adequate or not. The present question of the hon'ble member has nothing to do with jurors and therefore does not arise.

Mr. NARENDRA KUMAR BASU: Sir, my point is that (*b*) (*i*) says that this is reported to have happened on some rare occasions, but the small sacrifice is expected in the interest of public duty from the respectable classes, and my question is, when the members of the official hierarchy belonging to respectable classes are out on tour, are they expected to make any sacrifice as to their travelling expenses?

Mr. PRESIDENT: Why do you bring in official hierarchy at all?

Mr. NARENDRA KUMAR BASU: Because Government's reply is that members of respectable classes belonging to the public are expected to make small sacrifice in the interest of public duty, and my question is why should this sacrifice be restricted to non-officials only when acting as jurors and why should it not be extended to official hierarchy?

Mr. PRESIDENT: Sir Brojendra Lal, are you in a position to answer that question; is it within your knowledge?

The Hon'ble Sir BROJENDRA LAL MITTER: Members in the service of Government are not ordinarily expected to act as jurors; besides, these are rare occasions, and on such rare occasions, members of the respectable classes are expected to make some small sacrifice. The other question I submit does not arise.

Accommodation for jurors.

*50. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that inconvenience is caused to jurors attending session courts in the mufassal in the absence of accommodation provided by the Government;

(*ii*) that jurors often put up in ordinary *sarais* or hotels easily accessible to the parties and their witnesses; and

(*iii*) that there is a feeling of widespread discontent among the public regarding the administration of criminal justice with the help of jurors?

(*b*) If the answers to (*a*) are in the affirmative, what steps, if any, do the Government contemplate taking in the matter?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) No such general complaint has been received. All District Judges have been asked wherever possible to make suitable arrangements for waiting rooms for jurors.

(*ii*) Jurors have to find accommodation occasionally in hotels, etc. It is not possible for Government to provide living accommodation for them.

(*iii*) Government are not aware of any such feeling.

(*b*) Does not arise.

Sanitary Inspectors.

*51. **Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department be pleased to state the number of Sanitary Inspectors at present engaged in the rural areas of Bengal?

(*b*) Is each thana represented at present by a qualified Sanitary Inspector?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government to depute one qualified Sanitary Inspector to each thana in the near future?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) 557.

(*b*) Yes, except in the districts of Darjeeling and Chittagong Hill Tracts, the tea garden areas in Jalpaiguri, the Asansol Mining Settlement area and the undeveloped tracts in the Sunderbans.

(*c*) Government do not at present contemplate the introduction of the rural public health organisation scheme in the above areas.

Price of quinine.

*52. **Mr. S. M. BOSE:** (*a*) With reference to the answer to starred question No. 98 put by me on the 28th March, 1935, will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government have decided to reduce the price of Government quinine to enable the local bodies to purchase larger quantities for free distribution?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what is the present price as compared with the previous price for—

(*1*) quinine sulphate;

(*2*) cinchona febrifuge; and

(*3*) crude quinine?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The matter is still under the consideration of Government and it is expected that a final decision will soon be arrived at.

(*b*) In view of the answer given to (*a*), the question does not arise.

Money deposited with Murshidabad Municipality by candidates for election.

*53. **Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Minister in charge of Local Self-Government Department be pleased to state—

(*i*) whether it is a fact that Babu Nrishingha Mohan Chandra, Mr. Sujat Hossain, Mr. Abdus Samad, Syed Yowar Ali Meerza, Sj. Gobinda Das Achery and Babu Raj Mohan Sen had deposited the sum of Rs. 100 each under section 25, clause (*1*), of the Bengal Municipal Act with the Murshidabad Municipality for the purpose of enrolling themselves as candidates for the election;

(*ii*) whether it is a fact that the election of the said Murshidabad Municipality was held on the 26th March, 1935;

(*iii*) whether it is a fact that they had applied for the refund of the said money deposited by them to the Chairman of the said Murshidabad Municipality; and

(*iv*) whether it is a fact that till now the money has not been refunded?

(*b*) Is the Hon'ble Minister aware—

(*i*) that owing to the shortage of fund the said Murshidabad Municipality is not in a position to refund the said sum; and

(*ii*) that the said municipality had spent the deposited money?

(*c*) If the answer to (*b*) is in the affirmative, what step has the Hon'ble Minister taken in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*), (*ii*) and (*iii*) Yes.

(*iv*) Deposit of Mr. Abdus Samad has been refunded. No refund has yet been made to the rest.

(*b*) (*i*) The municipality is reported to be in a position to refund the amounts.

(*ii*) The municipality spent a part of the deposited money which merged into the Municipal Fund under section 105 (*a*) of the Bengal Municipal Act.

(*c*) None.

Mr. NARENDRA KUMAR BASU: With regard to answer (*c*), is the Hon'ble Minister waiting to see that the matter is taken into the civil courts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have got no power to take steps in matters like this unless they decide to supersede any department of the municipality or the municipality altogether. I do not think that the public or my learned friend will appreciate such a step being taken.

Maulvi SYED MAJID BAKSH: Cannot the Hon'ble Minister ask for an explanation from the municipality?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The municipality admitted that they had spent the money.

Babu JITENDRALAL BANNERJEE: With reference to (*b*) (*i*), if the municipality is reported to be in a position to refund the amounts, have they refunded those amounts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They are now in a position to refund the money, but it is not known to Government whether the money has been actually refunded or not.

Maulvi SYED MAJID BAKSH: Why is it that money has been refunded only to Maulvi Abdus Samad?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No information is available.

Maulvi SYED MAJID BAKSH: Will the Government ask the municipality to refund the amounts within a reasonable time?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Detention of persons in villages.

*54. **Mr. SHANTI SHEKHARESWAR RAY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a list of the villages selected for the detention of persons under the Bengal Criminal Law Amendment Act indicating the distance from the village to the headquarters station of the district and the nearest hospital where the services of an Assistant Surgeon are available in case of illness?

(*b*) How many persons have been transferred from jails or detention camps to "detention huts" in these villages during 1935?

The Hon'ble Mr. R. N. REID: (*a*) It is not in the public interest to supply the particulars asked for by the hon'ble member; but Superintendents of Police have instructions that *bashas* should be located as far as possible in reasonably healthy areas, and within easy reach of a dispensary. As a matter of fact most of these *bashas* are close to a thana if not within its precincts.

(*b*) 182.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state, with reference to answer (*a*), if the information is of a confidential nature?

The Hon'ble Mr. R. N. REID: Yes, Sir.

Mr. SHANTI SHEKHARESWAR RAY: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether these transfers are made at the request of the detenus from detention camps to detention huts in the villages?

The Hon'ble Mr. R. N. REID: Not necessarily, Sir.

Accidents in Calcutta due to electric shocks.

***55. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to lay on the table a statement for the last three years showing—

(*i*) how many accidents took place owing to electric shocks received from the current supplied by the Calcutta Electric Supply Corporation, Limited;

(*ii*) how many of such shocks have proved fatal; and

(*iii*) how many of these fatal cases are due to—

(*1*) direct current, and

(*2*) alternating current?

(*b*) Will the Hon'ble Member be pleased to state the difference in the costs per 100 units of producing the two different kinds of current?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*), (*ii*) and (*iii*) Two statements giving the details required by the hon'ble member are laid on the table.

(*b*) The information is not available.

Mr. S. M. BOSE: Having regard to the fact that alternating current is more dangerous to human life, as shown in Statement II, will the Government be pleased to see that the use of alternating current is not expanded?

The Hon'ble Sir JOHN WOODHEAD: In 1934 judged by the number of accidents, alternating current appears to have been less dangerous than direct current.

Mr. S. M. BOSE: Is the Hon'ble Member aware that from Statement II it appears that two were killed from direct current and seven from alternating current?

The Hon'ble Sir JOHN WOODHEAD: In 1934, no person was killed by alternating current; five were injured.

Statements referred to in the reply to clause (a) of starred question No. 55.

STATEMENT I.

NUMBER OF ACCIDENTS REPORTED.

Year ending 31st December.	Direct current.		Alternating current.	
	Human.	Cattle.	Human.	Cattle.
1932	5	..	10*	..
1933	4*	..	10	..
1934	7	3	5	4†

*In one accident two men were involved.
†In one accident two bullocks were involved.

STATEMENT II.

NUMBER OF HUMAN BEINGS INVOLVED.

Year ending 31st December.	Killed.		Injured.	
	Direct current.	Alternating current.	Direct current.	Alternating current.
1932	1	4	4	7
1933	..	3	5	7
1934	1	..	6	5

Inspectors of Schools.

***56. Rai Bahadur SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the present number of Sub-Inspectors of Schools in the province;

(*ii*) the number of them who are—

(*1*) Muslims,

(*2*) Hindus, and

(*3*) Scheduled castes;

(*iii*) the number of the Sub-Inspectors who have been promoted to the rank of the Subdivisional Inspectors of Schools;

(*iv*) the number of them who have been promoted to the rank of District Inspector of Schools; and

(*v*) the number of such promoted officers who are—

(*1*) Hindus,

(*2*) Muslims, and

(*3*) Scheduled castes?

(*b*) Is there any circular laying down the principle on which promotions are given?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) A statement is laid on the table.

(*b*) Yes. The Provincial Services Recruitment Rules lay down the proportion of vacancies in the District Inspectorships to be filled by promotion. Subdivisional Inspectorships are all filled by promotion. Promotions are made not on a communal basis but on merit with due regard to seniority.

Statement referred to in answer to starred question No. 56 (a).

(*a*) (*i*) 267 (242 permanent posts and 25 temporary posts against an equal number of posts of Subdivisional Inspectors held in abeyance).

(*ii*) (*1*) 152.

(*2*) and (*3*) 115.

(*iii*) 68 (since 1st September 1921).

(*iv*) 11 (since 1st September 1921).

(*v*) Promoted to—

	Subdivisional Inspectorship.	District Inspectorship.
Moslem ..	21	0
Non-Moslem ..	47	11

NOTE.—It would involve much time and labour to ascertain how many of the non-Moslems belong to the scheduled castes.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Secondary schools in the 24-Parganas.

27. Khan Bahadur A. F. M. ABDUR-RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the present number of secondary schools in the district of the 24-Parganas with their names and places of location;

(*ii*) the amount of Government subsidy received by such schools;

(iii) the number of Muhammadan students reading in those schools; and

(iv) the arrangements for teaching Persian and Arabic in those schools?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: A statement is laid on the Library table.

Dacca Mitford Hospital X'Ray Department.

28. Maulvi ABDUL GHANI CHOWDHURY: (*a*) is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that there is an X-Ray Department in the Dacca Mitford Hospital;

(*ii*) that there is one Assistant Surgeon in charge of it;

(*iii*) that the said Assistant Surgeon is getting his grade pay and special allowance;

(*iv*) that he also gets 95 per cent. of the income of the X-Ray Department;

(*v*) that only 5 per cent. goes to the Government fund; and

(*vi*) that the minimum charge there is Rs. 16?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state why the major portion of the income of the department is given to a fully paid Government servant?

(*c*) Are the Government considering the desirability of lowering the charge for the benefit of the poor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) Yes.

(*iii*) The Assistant Surgeon gets his grade pay and an allowance of Rs. 20 per mensem.

(*iv*) He gets 95 per cent. of the fees in private cases, the fees in hospital cases being wholly credited to Government.

(*v*) Five per cent. of the fees in private cases is deducted and credited to Government.

(*vi*) Copy of a scale of fees prescribed by Government is laid on the table.

(*b*) The Assistant Surgeon has the right of private practice and, as such, is entitled to the fees earned in private cases after deduction made for use of Government materials.

(*c*) Revision of the scale of fees is under consideration of Government. The poor people who cannot afford to pay the fees are treated free in the hospital.

Scale of fees to be charged in the Departments of X'Rays and Electro Therapeutics of State Hospitals in Bengal other than the Presidency General Hospital referred to in the reply to clause (a) (vi) of unstarred question No. 28.

	Private.	Paying out- and in-patients.	Cabin.
A.—X'Ray.	Rs.	Rs.	Rs.
Limbs (one or more films as necessary) ..	16 to 32	3*	10*
Skull (one or more films as necessary) ..	32 to 64	3*	10*
Opaque meal—			
Complete	150	(a)3*	50
Stomach and duodenum	80	(a)3*	32
Appendix	80 to 100	3*	32
Oesophagus	64	3*	20
Opaque enema	64	3*	32
Cholecystography	80	12	32
Urinary tract	48 to 64	3*	10*
Pyelography	64 to 100	3*	32
Hystero salpingography by Lipiodol examination generally	64 to 100	3*	32
Stereoscopic pair of radiograms ..	48 to 64	3*	10*
Dental films—			
Single	16	3	8
Multiple (each) up to 7	10	2	5
Whole mouth	75 to 100	16	32
Chest—			
1 film	32	3*	16
2 films	48	3*	24
3 or 4 films	64	3*	32
Stereoscopic pair	64	9	32
Screen examination	16	3	8
X'Ray exposures—			
Superficial therapy single	16	3	8
Superficial therapy multiple (2) ..	32	3	16
Superficial therapy (4 or more areas) ..	8 (per extra area above 2).	3	16
Epilation of skull	80	16	40
Deep therapy (irrespective of dose or areas)	32 to 100	3	16
B.—Electro Therapeutics.			
Electrical reactions	32	3	16
Electrical treatments	16 to 32	3	8
Ultra violet rays	10 to 16	3	5
Radiant heat (Infra red rays) ..	10 to 16	3	5

*Denotes "per film" and equals average costs of materials represented.
(a) Up to Rs. 15 maximum.

Rai Bahadur KESHAB CHANDRA BANERJI: Is the Hon'ble Minister aware that the public of Dacca has been agitating for the reduction of fees for the last three years?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Rai Bahadur KESHAB CHANDRA BANERJI: When is the final decision likely to be arrived at?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As soon as possible.

Rai Bahadur KESHAB CHANDRA BANERJI: Is it a fact that Rs. 3 is charged from each hospital patient, rich or poor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not charged from the poor patients.

29. Maulvi TAMIZUDDIN KHAN: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that in the Dacca Mitford Hospital there is an X-Ray department;

(*ii*) that the Assistant Surgeon in charge of the department gets, over and above his pay and special allowance, 95 per cent. of the income of the department;

(*iii*) that only 5 per cent. is credited to the Government; and

(*iv*) that a minimum fee of Rs. 16 is charged for every X-Ray examination?

(*b*) Are the Government considering the desirability of lowering the charge?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) The member is referred to the reply to the unstarred question on the subject put by Maulvi Abdul Ghani Chowdhury at this meeting.

30. Maulvi SYED OSMAN HAIDER CHAUDHURI: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that there is an X'Ray Department in the Dacca Mitford Hospital;

(*ii*) that there is one Assistant Surgeon in charge of it;

(*iii*) that the said Assistant Surgeon is getting his grade pay and Special allowance;

(*iv*) that he also gets 95 per cent. of the income of the X-Ray Department;

(*v*) that only 5 per cent. goes to the Government fund; and

(*vi*) that the minimum charge there is Rs. 16?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state why the major portion of the income of the department is given to a fully paid Government servant?

(*c*) Are the Government considering the desirability of lowering the charge for the benefit of the poor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*), (*b*) and (*c*) The member is referred to the reply to the unstarred question on the subject put by Maulvi Abdul Ghani Chowdhury at this meeting.

31. Maulvi NUR RAHMAN KHAN EUSUFJI: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that in the Dacca Mitford Hospital there is an X'Ray Department;

(*ii*) that there is one Assistant Surgeon in charge of it;

(*iii*) that the said Assistant Surgeon is getting his grade pay and special allowances;

(*iv*) that he gets also 95 per cent. of the income of the X'Ray Department;

(*v*) that only 5 per cent. goes to the Government; and

(*vi*) that the minimum charge for every X'Ray is Rs. 16.

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of lowering the charge for X'Ray examination for the benefit of the poor public?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) The member is referred to the reply to the unstarred question on the subject put by Maulvi Abdul Ghani Chowdhury at this meeting.

32. Khan Bahadur Maulvi HASHEM ALI KHAN: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that there is an X'Ray Department in the Dacca Mitford Hospital;

(*ii*) that there is one Assistant Surgeon in charge of it;

(*iii*) that the said Assistant Surgeon is getting his grade pay and special allowance;

(*iv*) that he also gets 95 per cent. of the income of the X'Ray Department;

(*v*) that only 5 per cent. goes to the Government fund; and

(*vi*) that the minimum charge there is Rs. 16?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state why the major portion of the income of the department is given to a fully paid Government servant?

(*c*) Are the Government considering the desirability of lowering the charge for the benefit of the poor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*), (*b*) and (*c*) The member is referred to the reply to the unstarred question on this subject put by Maulvi Abdul Ghani Chowdhury at this meeting.

NON-OFFICIAL BUSINESS

NON-OFFICIAL MEMBERS' BILLS.

The Bengal Race Course Betting Bill, 1935.

Mr. P. BANERJI: Sir, I beg to move that the Bengal Race Course Betting Bill, 1935, be referred to a Select Committee consisting of—

(1) The Hon'ble Member in charge of the Police Department,

(2) Seth Hunuman Prosad Poddar,

(3) Munindra Deb Rai Mahasai,

(4) Mr. R. Maiti,

(5) Mr. Shanti Shekhareswar Ray,

(6) Babu Amulyadhan Ray,

(7) Babu Jitendralal Bannerjee,

(8) Maulvi Tamizuddin Khan,

(9) Maulvi Nural Absar Choudhury,

(10) Kazi Emdadul Hoque,

(11) Mr. A. R. E. Lockhart,

(12) Mr. W. L. Armstrong,

(13) Mr. Ananda Mohan Poddar,

(14) Babu Hem Chandra Roy Choudhuri,

(15) Mr. Saileswar Singh Roy,

(16) Babu Kishori Mohan Chaudhuri,

(17) Babu Khetter Mohan Ray, and, with your permission,

(18) Haji Badi Ahmed Chowdhury, and

(19) the mover,

with instruction to submit their report by the 30th November, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, the object of this Bill is well known. We have discussed on the floor of the House from time to time the necessity of controlling more effectively the gambling that exists in the country, and the intention of this Bill is to do that. What I mean by the expression "gambling that exists in the country" is horse-racing, and my intention is also to include dog-racing and to have an effective control over all sorts of race-gambling. When this question was raised here some time ago, the Hon'ble Mr. Reid said: "At the present moment, although a similar Act has been passed in England in November last, it is not possible for the Government of Bengal to accept that measure and introduce it in Bengal." And one of the reasons he advanced was this—that dog-racing does not exist in an organised form of sport in this province, and that, therefore, there is no point in legalising something that does not exist. I will just point out, Sir, that this argument cannot stand a minute's reasoning. It is no argument at all that because a thing does not exist, therefore, it should not be introduced. It is quite evident that a thing naturally does not exist when for the first time it is going to be introduced. Did dog-racing exist in England before 1934, in the way it now exists after the introduction of the Bill in that country? The reply certainly is in the negative, although it may be said that it existed in a surreptitious manner somewhere in the country. The same is also the case in this province. Sir, as Mr. Shanti Shekhareswar Ray said in December last, there was dog-racing in Belvedere, although it was meant solely for charity. That establishes my point that dog-racing does really exist, and that there is no denying the fact that dog-racing is actually going on in the country, although in a surreptitious manner, and is gradually becoming very popular. My point is that we should not allow such unauthorised bettings to go on unchecked, but that we must legalise them and give an opportunity to the people who are attracted by this kind of gambling to indulge in it. The Hon'ble Member may say that dog-racing is not

gambling, but that it is simply enjoyed as a form of sport. Sir, rich people have the right to indulge themselves in horse-racing which is too expensive for the poor who generally welcome dog-racing which is less expensive. As such, facilities ought to be given to the poor to indulge themselves in some form of inexpensive gambling. Sir, this habit of indulging in gambling is inherent in every human being, and people of all classes ought to be given every facility to enjoy this fun in some form or another. Therefore, in course of the debate, the Hon'ble Member gave expression to the feelings or rather the policy of Government as regards dog-racing. Government's policy now cannot be maintained after the passing of the Act in England. The only argument put forward by the Hon'ble Member had been that dog-racing or horse-racing in an organised form could not be thrown open to the general public. Towards the end of his speech he remarked that Government were not prepared to debauch the public by dog-racing in order to raise money. That is the view point of the Government of Bengal. If this can be legalised in England, I do not see why it cannot be introduced here. Last time Sir John Woodhead opposed me because there was no such thing in England. But after that law has been passed in England the Hon'ble Mr. Reid says that although the law has been passed in England India is not England and Government are not in a position to introduce it here. He asked the members on this side of the House not to make a suggestion like that. My point is that the argument that the passing of such an Act here as has been passed in England will debauch the populace does not hold good. Another argument put forward by the Hon'ble Member when I cornered him was that Government could not allow these racings where gambling goes on and the poor people have the chance of being defrauded. Another argument is that Government do not like that clubs should be started everywhere with the idea of defrauding the people, and to make money. In this Bill we have safeguards. The whole Bill practically depends on the Government, and it is up to Government to give their sanction to the owner or occupier of the tracks. Government can find out good people and allow them to run races just as they have done in the case of the Turf Club and other clubs. The Hon'ble Mr. Reid confessed that Government had asked the police to wink at the things that are done by those clubs even when they transgress the law.

The Hon'ble Mr. R. N. REID: On a point of order, Sir. The hon'ble member referred to a confession by me. Might I ask him to repeat that?

Mr. PRESIDENT: The word "confession" is not appropriate and certainly misleading, but even making allowance for it, what does it relate to?

Mr. P. BANERJI: *Government* admitted that——

The Hon'ble Mr. R. N. REID: The hon'ble member used the word "confession".

Mr. PRESIDENT: The word "Admission" is no doubt an improvement, but admission in respect of what?

Mr. P. BANERJI: I am trying to find out the expression.

Mr. PRESIDENT: You had better abandon both the words, "confession" and "admission" and get on with your speech.

Mr. P. BANERJI: What I was just going to tell the House was that the Hon'ble Mr. Reid said that it is true that some of the existing clubs indulge in lotteries and, although they are not allowed under the law, instructions have been given to the police to wink at these things for the simple reason that respectable clubs are not expected to do these things with the object of defrauding the public.

Mr. PRESIDENT: That was a statement. It was neither a confession nor an admission.

Mr. P. BANERJI: That statement was made by the Hon'ble Mr. Reid in course of a speech. Now, the fact is that when Government find that certain clubs consisting of respectable people do these things, they allow them to continue. My point is that I have given the whole power to the Government and Government can give their sanction to the owners of tracks whom they consider to be honest and not likely to defraud the public. They can control them as they do in the case of all sorts of surreptitious gamblings so that poor people can come forward and enjoy in the sports. At the same time they can stop gambling when young people take part in such gamblings and punish the owners of these tracks heavily. That is the whole object of this Bill. Now that an Act has been passed in England, I do not see why such an Act should not also be passed here in order to give facility to the poorer people to enjoy some sort of sport.

Mr. A. R. E. LOCKHART: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st October, 1935.

Sir, it came as such a shock to find myself on the same side as Mr. P. Banerji, as it is somewhat unusual, that I began furiously to think when I found myself supporting the idea of dog-racing whether I was right in so doing. The Bill has obvious manifold imperfections with a few of which I would like to deal later, but with the general

principle I find myself in agreement. I think that the opponents of this Bill are slightly exaggerating its danger. They appear to envisage that immediately after the passing of the Bill there will be a setting up of a number of dog tracks all over the province, but although the idea of the pariah stakes in every thana, with perhaps an odorous piece of garbage in place of the normal electric hare is an amusing thought, I feel sure that this is not what Mr. Banerji has in mind. It is possible, I submit, to exaggerate the dangers of really well-regulated dog-racing. The Bill omits a good deal of what is in the British Parliamentary Act to which Mr. Banerji refers. Some clauses can be inserted for tightening up the control. There may be certain new provisions to the effect that certain capital must be shown in order to ensure the financial stability of the promoting company before a license is granted and so on and so forth. Lest the opponents of the Bill and Mrs. Grundy who put themselves into blinkers whenever a realist view of gambling and the gambling spirit is required should be permitted to kill this Bill completely, I would suggest that at least the public bodies of the province should be given an opportunity to give their opinion. Sir, before I sit down I would just like to ask that if the Bill is to be circulated, it should be circulated to all and sundry and not only to the genteel bodies and official church organisations which might be expected to sit upon it. With these words I move my amendment.

Rai Bahadur AKSHOY KUMAR SEN: Sir, I oppose the Bill of Mr. P. Banerji. Because horse-racing is in existence and irremovable, therefore dog-races should also be introduced with a vengeance is a reasoning which I cannot understand. It has been argued that dog-races have been permitted in England, therefore they should be introduced in India. But England is not India. There might be different conditions and some other reasons suitable to that country for indulging in that sport, but in a province like Bengal such things—dog-races—as contemplated by this Bill in my humble opinion should not be introduced, and I think the House will not agree to the introduction of such a measure. I do not know what led my hon'ble friend to introduce a Bill like this. With these few words I oppose the motion of Mr. Banerji.

Mr. SHANTI SHEKHARESWAR RAY: Sir, there is a very good case for circulating the Bill for eliciting public opinion. The previous speaker was under the impression that Mr. Banerji was going to introduce dog-racing by this Bill: far from it, Sir. There is no question of introducing dog-racing or horse-racing by this Bill: what he wants is to regulate the affairs on the race-courses. And in this connection the question of dog-racing comes in only incidentally. At the present moment we are concerned with horse-racing only, and it is quite

possible that in the near or distant future dog-racing may also be introduced in this country, in which case this Act will also be available for controlling dog-racing; but the main feature which strikes me is that it is not a question of dog-racing but a question of regulating the affairs on the race-courses. The most important provision of the Bill will be found in clause 6—"Betting with young persons and employment of young persons in betting businesses prohibited on tracks." That is a very important matter, and I think that it is a very salutary provision which Mr. Banerji intends to introduce by this measure. We know, Sir, how the race-courses corrupt the people—especially the younger generation—and I think that it is in the fitness of things that an effort should be made to control this vice that is eating into the vitals of the society. I hope, therefore, that the House will accept the amendment of Mr. Lockhart and agree to circulate the Bill in order to ascertain how much public support is there for this Bill.

The Hon'ble Mr. R. N. REID: Sir, the motion which is before the House now, I think, is the amendment to circulate the Bill——

Mr. PRESIDENT: No, there are two motions under discussion, one for referring the Bill to a Select Committee and the other for circulation to elicit public opinion thereon.

The Hon'ble Mr. R. N. REID: I must confess that I found considerable difficulty in following Mr. Banerji's speech. A great deal of his speech of to-day was devoted to criticising a speech which I made some time ago—I think on an identical subject, or a subject perhaps allied to this. Well, Sir, Mr. Banerji disposed of my previous arguments to his own satisfaction, but not to mine. The two clear points before us this afternoon seem to me to be, first, is it desirable that Government, by passing a Bill of this sort, should give facilities in Bengal for the so-called sport of dog-racing, which, *pace* Mr. Banerji, does not exist in Bengal, nor, so far as I am aware, anywhere else in India; secondly, whether Government should come into the business of horse-racing on the lines of the English Act of 1934? Well, as regards dog-racing, I am not, I think, very far wrong in saying that opinion generally in this province will be on the side of Government when they say that they are not prepared to give facilities for the introduction of a new and undesirable sport, that is to say, dog-racing in Bengal, and I can say clearly that Government do not think that they should give any sort of facilities for that sport. If Mr. Banerji has read the Report of the Royal Commission on Lotteries and Betting of 1932-33—and I think he told us on a previous occasion, in February last, that he had read it with care—he would have discovered in that report a good deal of rather startling information and a good deal of disquieting facts. He must then have read that dog-racing had spread to such an

extent in Great Britain that at the time when the Commission published their report there were no less than 220 greyhound racing tracks which provided a matter of 4,000 racing days in the year. When I say 4,000 that 4,000 is provided by only 23 racing-tracks, and a simple calculation will enable one to make out how many racing-days are altogether provided by the total number of tracks. He will also have read that the Royal Commission found that this sport of dog-racing had had very undesirable social effects in the neighbourhoods in which dog-racing had been introduced. While horse-racing was confined to a few centres, generally rather remote from the big industrial areas, dog-racing, so to speak, was brought to the very doors of the industrial workers. The results of this have been and are that racing occurs in many districts practically on every night in the week when the worker is free from his daily toil and he is thus able to indulge in "on-the-course" betting every night of his life. I do not think anyone can really say that it is desirable that we should introduce these facilities for people to bet to lose their money and to break up their homes by betting and gambling. In this connection, I might perhaps be allowed to quote a short passage from the Royal Commission's Report, paragraph 254:—

"We heard a considerable volume of evidence tending to show that betting at greyhound tracks was having undesirable social effects..... Many witnesses held the view that the enormously increased betting facilities afforded by the spread of greyhound-racing was one of the most powerful causes of the increase in betting. Amongst the particular effects brought to our notice we were informed from several independent sources that betting associated with dog-racing had a special attraction for young men and women in poor districts and that the social results were serious. We were also impressed by the evidence given as to the general deterioration of character among young persons in poor neighbourhoods due to the excitement resulting from day-to-day betting on greyhound-races which drove out every other interest.

If Mr. Banerji had read the report with the care and attention which he said he did, he could hardly have contemplated the introduction of this sort of thing into Bengal. It is not a question of regulating an existing institution, but of introducing something new. He says, brightly, that dog-racing is in vogue and is going on merrily in Bengal, and the only concrete evidence he gives us of that is the fact that last winter certain dog-races were held in Belvedere: that is the only bit of evidence he gives of the prevalence of dog-racing and I venture to think that the Council can hardly take him very seriously when he tries to induce us to believe that dog-racing is prevalent all over the province and should be regulated. On these grounds, therefore, so far as dog-racing goes, I think there is ample reason why this Council should reject his Bill.

As regards horse-racing, that stands on a slightly different footing. As he says, quite rightly, horse-racing has been in existence for very many years here, and he has set out on the model of the English Act of 1934 to lay down certain provisions to govern and control racing and betting on race-courses. But here I think Mr. Banerji has failed to show, and indeed he has very little material on which to show it, what is the necessity for introducing a Bill on the lines of the English Act to deal with conditions in this province. The position in Bengal, so far as control of racing and betting goes, that is, so far as the control of "on-the-course" betting goes is that the Local Government have power under section 1 of the Bengal Public Gambling Act of 1867 to deal with such betting. The purport of that section is that "wagering is illegal except wagering on horse-races on the day on which the race is run and within an enclosure set apart for the purpose with the sanction of the Local Government." That simple clause, in fact, gives Government very wide powers, executive powers, and up to now Government have no reason to believe that those powers are insufficient for the purpose; nor have they any reason to believe that conditions within the race-courses are such as to demand that they should exercise control themselves over racing. As everybody knows, control within the race-courses is in the hands of various racing clubs, the stewards of whom—in some cases they are stipendiary and in some cases they are honorary—are a reputable body of men who exercise very close and watchful control both over betting and racing generally.

I think there is another point which is relevant to the present discussion and that is the scale on which racing goes on in this province, as compared with the scale it goes on in England and elsewhere. Here in Bengal there are only five race-courses on which racing is carried on regularly; three of them are in the neighbourhood of Calcutta, viz., in Calcutta, Tollygunge and Barrackpore, and there is Dacca and Darjeeling outside Calcutta. And these five race-courses provide at most for a matter of 185 days' racing. Now, in England, on the analogy of conditions in which Mr. Banerji claims to have framed his Bill, in England there are 70 principal race-courses—I do not know how many minor race-courses—and there are 220 greyhound-racing tracks. As regards the number of racing days there are seven horse-race course, within a 15 miles radius of Charing Cross, which provide 187 days' racing in the year. These seven race-courses out of 70 and 23 greyhound-racing tracks out of the 220 provide 4,187 days' racing in the year, so that there is a very big difference between the conditions which obtain in Bengal and the conditions which prevail in England which made it necessary in the eyes of the Home Government to introduce and pass the Act of 1934.

Mr. Banerji in this connection referred several times—so far as I could catch what he said— to the question of lotteries and that sort of

thing, but I venture to think that that subject is beside the point to-day as in the last session the Council decided that they would have nothing to do with his Suppression of Lotteries Bill, and I do not intend to discuss the question of lottery on this occasion.

Now, as regards the motion that the Bill be circulated for public opinion, I venture to think that there is little to be gained by that. You are going to circulate the Bill to all sorts of bodies, the majority of whom, I imagine, know little about the ethics or otherwise of racing, to mufassal bodies as well as to town bodies, not excluding missionary bodies. And you are going to ask them to give their opinion, in the first place, on the desirability or otherwise of introducing and legalising dog-racing and in the second place on the rather very technical question of whether Government should undertake the control of race-courses and of betting on race-courses on the same lines as the English Act. Well, Sir, I do not think that from circulation there is very much to be gained in the way of opinions from these public bodies to whom the Bill may be circulated. I do not know whether Mr. Banerji favours that motion for circulation himself or not; his own motion of course is for referring to Select Committee. In any case, it seems to me scarcely common-sense to ask people for opinion on the academic question of the desirability or otherwise of introducing into Bengal a thing of which Bengal up to now knows nothing. I trust the House will agree with me in the view that Government have taken both of the Bill itself and of the motion for circulation. I beg to oppose both the motions.

Mr. P. BANERJI: Sir, I have heard the Hon'ble Member's reply very attentively, and I find that every time he adduces the same argument basing it on the Report of the Royal Commission. I maintain that the Report of the Royal Commission is a very old story to-day I do not think that we should now stand on the authority of the Report of that Commission, because we find that ignoring many of the recommendations of that Commission England passed legislation in November last and the Hon'ble Member knows this very well.

Now, Sir, the Hon'ble Member said that the condition of England is very different from that of India: that opinion was also expressed by Rai Bahadur Akshoy Kumar Sen. But the main thing is that neither the Hon'ble Member nor the Rai Bahadur had in their mind that my object is not to encourage gambling in any way and this was rightly pointed out by Mr. Shanti Shekhareswar Ray. We have to face facts and examine the state of affairs in the country. It seems from the arguments we have heard to-day that Government want to sit tight on this matter and would not open their eyes to the existing state of things. Government want to shirk their responsibility in the matter as they say that they are not prepared to undertake the control

of race-course tracts, but would give a blank cheque to a particular club to do this. The Hon'ble Member further said that public opinion is with him and, therefore, public opinion need not be taken. Perhaps he consulted some of his friends of the Turf Club who have told him that there is no necessity of legalising race-course betting. I ask whether it is reasonable or necessary to control the state of affairs. Sir, my point is not certainly to introduce dog-racing for the sake of dog-racing or for the fun of it. If I may speak out my mind, betting goes on not only on the race-courses but elsewhere also, as we know the bucket shops that we have. If the Hon'ble Member will care to enquire into the state of affairs in Calcutta he will find that betting is done even by our domestic servants. We know that the police in certain cases wink at the activities of these people and of the bucket shops. So, corruption is encouraged. We do not like that our young men or the people of smaller means, such as our domestic servants, should indulge in this sort of surreptitious and unlegalised form of gambling. Therefore, as dog-racing has been recognised in England, I have provided for it for the purpose of control if it be introduced here. By this sort of control Government will get some money; it is now practically a monopoly of some particular clubs. Government will also be entitled to license fee, though I do not say that Government will realise this fee from any and everybody, but only from those parties whom Government consider to be very respectable and honest in order to eliminate all chances of defrauding the public. I never meant that dog-racing should be introduced to-morrow. It is provided in the Bill that if it is introduced it should be controlled effectively, so that the poorer section of the people may have an opportunity of indulging in this sort of sport or legalised gambling.

Maulvi SYED MAJID BAKSH: Do you mean racing by country dogs?

Mr. P. BANERJI: That is a different matter which may be left to Government to decide. The whole argument is that in Bengal people are not very much interested in dog-racing. I know that very well. What I want is that Government should control racing and I have included dog-racing within the purview of my Bill if it be introduced afterwards. My grievance, Sir, is that Government, knowing well the situation, are reluctant to take steps in the matter.

Sir, the next point is that the Hon'ble Member thinks that there is no use in eliciting public opinion on the Bill. Mr. Lockhart has suggested that public opinion may be taken and the Hon'ble Member has asked whether I want public opinion to be consulted. The Hon'ble Member knows that when my State Lotteries Bill was circulated 99·5 per cent. of the opinions was in my favour. The Hon'ble Member now

apprehends that the same thing will happen in this case also. He appears to think that he is the custodian of the conscience of the people as Member in charge of the Police. Is it fair on his part to say that public opinion will be against my Bill?

The Hon'ble Mr. R. N. REID: I never said that.

Mr. P. BANERJI: As to the Hon'ble Member's query whether I am in favour of the circulation motion, I may say that we are always in favour of taking public opinion, but Government always think that public opinion is not necessary. When any member on this side of the House introduces any Bill, then Government say that public opinion should be taken. Now, in this particular case I would ask the Hon'ble Member why public opinion should not be taken. Perhaps he thinks that the public will be in favour of the Bill and will be against the Government. Therefore, I think that this is not a wise policy on the part of Government. I maintain that some day—if it is not to-day, the day is not far distant—as the Bill has been passed in England, it will be passed here also. With these words I commend my motion to the acceptance of the House.

The question being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Nural Absar.
Fazlullah, Maulvi Muhammad.
Hoque, Kazi Emdadul.
Lockhart, Mr. A. S. E.
Maiti, Mr. R.
Poddar, Seth Hanuman Prasad.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Nagendra.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bazir Uddin, Khan Sahib Maulvi Mohammad.
Bose, Mr. S.
Bose, Mr. S. M.
Chanda, Mr. Aparva Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Fawcus, Mr. L. R.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Haider, Mr. S. K.
Hoque, the Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hossain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Khan, Maulvi Abi Abdulla.
Khan, Khan Bahadur Maulvi Hashem Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Yamiuddin.
Maguire, Mr. L. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Momin, Khan Bahadur Muhammad Abdul.
Nazimuddin, the Hon'ble Khwaja Sir.
Raheem, Mr. A.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.

Rotburgh, Mr. T. J. Y.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Satiswar Singh.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Rai Bahadur Akshoy Kumar.
Sulaiman, Maulvi Muhammad.
Stevens, Mr. H. S. E.
Tarafder, Maulvi Rajib Uddin.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Sir John.

The Ayes being 16 and the Noes 46, the motion was lost.

The question that the Bengal Race Course Betting Bill, 1935, be referred to a Select Committee was put and lost.

The Bengal Village Self-Government (Amendment) Bill, 1935.

Haji BADI AHMED CHOWDHURY: I beg leave to introduce a Bill further to amend the Bengal Village Self-Government Act, 1919.

The question was put and agreed to.

(The Secretary then read the short title of the Bill.)

Haji BADI AHMED CHOWDHURY: I move for introduction only; I do not want it taken into consideration.

The Calcutta Municipal (Amendment) Bill, 1935.

MUNINDRA DEB RAI MAHASAI: I beg for leave to introduce a Bill further to amend the Calcutta Municipal Act, 1923.

The question was put and agreed to.

(The Secretary then read the short title of the Bill.)

MUNINDRA DEB RAI MAHASAI: Sir, I have stated already in the Statement of Objects and Reasons why I have introduced this Bill. The right to vote at the election of the Bengal Legislative Assembly has been given to persons having certain educational qualifications, and under the Bengal Municipal Bill the same right has been given, so to remove this anomaly I want to give the same privilege to persons having the same educational qualifications in the Calcutta Corporation elections.

Rai Bahadur Dr. HARIDHAN DUTT: I rise to oppose. I find that my friend has forgotten the principle on which——

Mr. PRESIDENT: Order, order. The Hon'ble Minister should here move his amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st November, 1935.

MUNINDRA DEB RAI MAHASAI: I beg to accept the motion moved by the Hon'ble Minister.

Rai Bahadur Dr. HARIDHAN DUTT: If I may be permitted to say a few words, I do not object to the introduction of the Bill, but I object to the consideration of the Bill at the present moment. But speaking on the motion of the Hon'ble Minister——

Mr. PRESIDENT: Will you first allow me to obtain the views of the House with regard to circulation? If that is thrown out, you can speak on the original motion.

The question that the Calcutta Municipal (Amendment) Bill, 1935, be circulated for the purpose of eliciting opinion, was put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1935.

Mr. P. BANERJI: I beg to move for leave to introduce a Bill further to amend the Bengal Tenancy Act, 1885.

The question was put and agreed to.

(The Secretary then read the short title of the Bill.)

Mr. P. BANERJI: I beg to move that the said Bill be taken into consideration.

Babu KHETTER MOHAN RAY: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1935.

Mr. PRESIDENT: Mr. Ray, you have moved, but please make your speech when we reassemble.

(The Council was adjourned at this stage for 15 minutes.)

(After Adjournment.)

Babu KHETTER MOHAN RAY: The Bill, though it is a very short one, is fraught with grave consequences. Co-tenants under this Bill will be able to divide their holding into any number of parts and this subdivision will be binding on the landlord. It will endanger the safety of the rent and, consequently, it will lead to such fragmentation of the holding that it will not be to the interest of the tenants also. For this reason I oppose the Bill and, on second consideration, I beg leave of the House to withdraw the amendment which I have just moved.

The amendment was then, by leave of the Council, withdrawn.

The Hon'ble Sir BROJENDRA LAL MITTER: I oppose this Bill. This Bill is opposed to legal principles, is opposed to economic principles and is opposed to common-sense. There is the legal principle of joint liability. If three people are jointly liable for a particular debt, it does not lie with the debtors to divide that liability. You cannot divide your liability. Each is liable for the whole. This Bill cuts across that fundamental principle of joint liability. That is the legal objection. The economic objection has been mentioned by Mr. Ray that our efforts should be to consolidate holdings and not for further fragmentation. This Bill makes for further fragmentation of the holding: that is the economic objection. The common-sense objection is this: a man has got to get his rent from one person and that person dies leaving three heirs. Why should the landlord be subjected to the disadvantage of running after three persons for fractional shares when it was a consolidated debt due to him? He can recover it from any of the three persons. Why should he be compelled to do that because the tenant chooses to leave three heirs? It is not common-sense and on behalf of Government I oppose this Bill.

Mr. P. BANERJI: Sir, on behalf of Government the Hon'ble Member raises objections and bases his arguments on three important principles. But his grounds cannot stand a moment's scrutiny as I will prove presently.

Firstly, as regards his legal principle, although he is a legal luminary, he is not in touch with law for a long time and has apparently forgotten his law. I may just refer him to section 88 of the Bengal Tenancy Act of 1885 where it will be found that such fragmentation of holding is allowed under the law.

The Hon'ble Sir BROJENDRA LAL MITTER: It is by agreement.

Mr. P. BANERJI: All the same it is allowed by law, whether it be by agreement or otherwise I do not care. So it cannot be said that it is against legal principle. It is not. In this amendment it is sought to revive the provision. In section 88 it is laid down:—

"Nothing herein contained shall be deemed to authorize a court to make an order for subdivision of the tenancy or distribution of rent—

(*i*) if the division results in the creation of unreasonably small holdings;

(*ii*) if the distribution of rent results in bringing the rent for any portion below Rs. 2-8 in case of holdings and Rs. 4 in case of tenures."

Therefore, it cannot be maintained for a single moment that this is against all legal principle. It can be done but only under certain conditions, that is if the *zemindars* and tenants agree to fragmentation of holding they can do so; but if there is disagreement, the poor tenants will have to go to court which means delay and expense and the poor tenants are not always in a position to do so.

As regards the economic principle, the Hon'ble Member bases his argument on the ground that there will be fragmentation to small holdings. Mr. Ray also suggested that. The Hon'ble Member also says that it is opposed to common-sense. He argues why should a *zemindar* run the risk of going to three persons to realise his rents. The same argument can be advanced from the other side in this respect. Suppose a *zemindar* dies leaving many heirs and his 16-annas *zemindary* is divided into several shares of 2 annas, 4 annas, 6 annas and 8 annas, in that case the poor tenants have to pay rents to all of them piecemeal. So if it can be done by the tenants, there is no reason why the *zemindars* should not do so. It is also common-sense that the law should be uniform in all cases. Then, again, suppose there are four co-sharer tenants in a certain holding and out of these four co-sharers one pays his rent to the *zemindar* regularly but the others are defaulters, under the law the *zemindar* can and do realise the whole rent, due from the defaulters, from their co-sharer who pays his own share regularly. The result is that he is being penalised for being a good man who pays his share punctually. Now, is it not common-sense that the law should be uniform in both the cases? Is it fair that the poor tenants should have to go to court for filing contribution suits? They are poor and not in a position to do so, whereas the *zemindars* can very well do so as they are rich and have got their permanent staff and separate department to deal with such cases in court. They are always doing so. They are doing that more or less, and, therefore, it is quite possible that he can, instead of realizing or suing a particular individual, suppose A, sue B, C, or D, or, if it is found that it cannot be realized

from A and B, he can sue C and D. Then, what is the difficulty? There is absolutely no difficulty, and any person with a common-sense view of things will realize that this causes no hardship to the *zemindar*. The difficulty is that the *zemindar* can realize the rent only from one particular party, and thereby by his action help dishonest persons. Persons who find that they can avoid payment and that the law will not take its own course against them because there may be other co-sharers, who may be bigger and richer men and who will pay on their behalf, will not pay. In order to obviate this difficulty, Sir, I have brought forward this Bill, for the sufferer knows best where the shoe pinches. The Hon'ble Member, sitting tight in his seat, does not realize the situation; but anyone who has an iota of common-sense will realize this. The tenants, who are groaning under difficulties, realize this very fully. I must remind the *zemindars* that it is in their own interests that this deplorable situation in the country should be rectified. They seem to be forgetting this fact. May be that to-day, with the help of Government, they may turn down my proposal, but if more hardship is caused to the tenants then these *zemindars* will be the worst sufferers. I, therefore, appeal to my *zemindar* friends here to pause and consider my proposal carefully, so that they may not have occasion to rue their conduct in future, when truer representatives of the people will be returned to this Legislature.

The question that the Bengal Tenancy (Amendment) Bill, 1935, be taken into consideration was then put and lost.

The Calcutta Municipal (Amendment) Bill, 1935.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move for leave to introduce a Bill further to amend the Calcutta Municipal Act, 1923.

The question was put and agreed to.

(The Secretary then read the short title of the Bill.)

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that the said Bill be taken into consideration.

Sir, the Bill is a very small one and it wants to remove the words "for such periods respectively as they think fit" from section 51(*1*) of the Calcutta Municipal Act, that is to say, to put an end to the system by which the appointment of the principal officers of the Corporation has been limited for certain terms. I want to give these officers security of tenure as well as freedom from interference in carrying out their duties.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st November, 1935.

My reasons are quite obvious. I do not think that the House should accept the amendment suggested in this Bill without having the opinion of the Calcutta Corporation.

Mr. NARENDRA KUMAR BASU: Sir, if I may, I beg to accept the amendment.

The amendment was put and agreed to.

The Bengal Medical (Amendment) Bill, 1935 (by Mr. Mukunda Behary Mullick).

Mr. PRESIDENT: This Bill does not arise.

The Calcutta Municipal (Amendment) Bill, 1935.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move for leave to introduce a Bill further to amend the Calcutta Municipal Act, 1923.

The question was put and agreed to.

(The Secretary then read the short title of the Bill.)

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that the said Bill be taken into consideration.

The Bill, Sir, is a very short measure, for removing an anomaly which has been working hardship upon poorer professional men. The object of the Bill has been stated as clearly as I could in the Statement of Objects and Reasons. Under a Schedule to the Calcutta Municipal Act, viz., Schedule VI, different rates of license fees are provided for professional men according as they pay income-tax or they do not pay income-tax. At the time when the Calcutta Municipal Act was passed, the minimum income upon which income-tax was leviable was Rs. 2,000. Accordingly, the effect of the Schedule was that a man who had an income of Rs. 2,000 and paid income-tax, had to pay Rs. 50 as license fee, whereas a man who had an income of less than Rs. 2,000 had to pay Rs. 25 as license fee. Since then, this Council has amended the Calcutta Municipal Act, but this Schedule remains as it was, although the Indian Legislature has amended the Income-tax Act

several times, so that the minimum assessable income has been reduced and altered from time to time. The effect of this is that, although the Calcutta Municipal Act so far as this Schedule is concerned remains as it was, the Calcutta Municipality has become entitled, by legislation of the Indian Legislature for purposes which have no reference to Calcutta, to realize Rs. 50 as license fee from persons having an income of less than Rs. 2,000, to which they would not have been entitled under the Calcutta Municipal Act as it was originally conceived, and it is that anomaly that my Bill seeks to remove. My reason in the first place is that, I take it that, it is the opinion of the Bengal Legislative Council that if a person who earns less than Rs. 2,000 per annum had to pay a license fee of Rs. 50, it would be a great hardship on him; that is the principle upon which the license fees were fixed in the Calcutta Municipal Act. In the second place, apart from that, there is this difference: it is highly undesirable that the finances of the Calcutta Corporation should be placed in that fluctuating position—a position in which it might be placed more or less by reason of enactments of the Indian Legislature, which had no reference whatsoever to the finances of Calcutta. The Calcutta Municipality ought to be governed by rules laid down by this Legislature. This Legislature contemplated that persons having an income of Rs. 2,000 or more should pay a license fee of Rs. 50 and a person having a lower income should pay Rs. 20 as license fee, and that is what I want to make clear by the amendment to the Schedule which I now propose. The effect of this would be that in every case a person who pays income-tax on less than Rs. 2,000 a year would be paying Rs. 25, as before, as license fee, whereas a person who paid an income-tax of Rs. 2,000 or more would pay Rs. 50 as before; that is to say, I mean to correct the anomaly which has been created by amendments to the Income-tax Act by the Indian Legislature. This is a simple measure, Sir, to which I ask the assent of this House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 16th September, 1935.

Sir, I admit that there is considerable force in the arguments advanced by the hon'ble member in support of his Bill, but Government do not propose to come to any decision in the matter without consulting the Calcutta Corporation, whose revenues will be affected if this Bill is passed into law. On this ground, I move my amendment.

Dr. NARESH CHANDRA SEN GUPTA: Sir, with regard to the Hon'ble Minister's amendment I should have been very happy if Government had not insisted upon taking the opinion of the Calcutta

Corporation for the reason that I do not think that the Calcutta Corporation can take any reasonable objection to a proposal which does not affect their finances substantially and which simply seeks to do an act of bare justice. But even if the Calcutta Corporation did object to such a reasonable proposal that should be quite unworthy of consideration by us. If, however, Government really insists on consulting the Calcutta Corporation, I am prepared to accept the Hon'ble Minister's amendment.

The Hon'ble Minister's amendment was then put and agreed to.

The Bengal Municipal (Amendment) Bill, 1935.

Mr. P. BANERJI: Sir, I beg to move for leave to introduce a Bill further to amend the Bengal Municipal Act, 1932.

The question was put and agreed to.

(The Secretary then read the short title of the Bill.)

Mr. P. BANERJI: Sir, I beg to move that the said Bill be taken into consideration. In doing so, I would only submit that I have provided for three things in this Bill. One of them is not new because Government have already accepted it in connection with another Bill, viz., to extend the same power to the chairmen of district boards. The two other suggestions I have made in the Bill are to provide for speedy work by appointing more members in the committee and also by making occupiers responsible for the payment of the occupier's share of the taxes. These are the two things which I consider to be absolutely necessary. Therefore, I think that Government cannot have any reasonable objection to the suggestions I have made in this Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1935.

In moving my motion, I would simply say that Government propose to introduce a Bill to remove some of the anomalies in the Bengal Municipal Act at the next session of the Council, and in doing so they will take into consideration the amendments suggested in the various non-official Bills. Of course, they do not give any guarantee as to the inclusion of these amendments; but I can assure the House that all of them will receive very careful consideration. On this assurance, I hope, the hon'ble member will withdraw his motion and accept mine.

The Hon'ble Minister's amendment was put and agreed to.

The Bengal Medical (Amendment) Bill, 1935 (by Munindra Deb Rai Mahasai).

Mr. PRESIDENT: This Bill does not arise, as the House has already given its decision with regard to a Bill substantially identical.

Adjournment.

Mr. PRESIDENT: The House stands adjourned till 3 p.m. to-morrow, when discussion of the resolutions left over from the 29th July will be taken up.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 20th August, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 93 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Chittagong-Aracan Road.

*57. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) what amount has been sanctioned for the improvement of the Aracan Road in Chittagong during the last 5 years;

(*ii*) what amount of the sanctioned money has been spent; and

(*iii*) what work has been done?

(*b*) If no money has been spent yet—

(*i*) what are the reasons for not doing so; and

(*ii*) when is the money expected to be spent and for what work?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*)(*i*) On the advice of the Board of Communications and with the approval of the Government of India, a scheme for bridging the Chittagong-Aracan Road at an estimated cost of Rs. 5 lakhs has been sanctioned by Government.

(*ii*) and (*iii*) No expenditure has been incurred on this project as the work has not yet been taken up.

(*b*) (*i*) The delay in taking up this project was owing to objections preferred by the Railway administration which necessitated correspondence with the Government of India.

(*ii*) Rough estimates for the construction of three major bridges, namely, (1) Dalu, (2) Kalarpole and (3) Tankabati bridges on the road have been received and are being examined. The estimates for another major bridge, namely, Induri Bridge, are under preparation. The Superintending Engineer, Eastern Circle, reports that he expects to spend Rs. 1 lakh on the four bridges in question during 1935-36.

Haji BADI AHMED CHOWDHURY: Will the Hon'ble Minister be pleased to state when money will be spent on the projects?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Within 1935-36, Sir.

Prosecution of detenus for breach of rules.

***58. Mr. SHANTI SHEKHARESWAR RAY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state the number of cases in which prosecution has been launched during 1935 against a detenu for breach of rules under the Bengal Criminal Law Amendment Act giving the details of the offence, the result of the prosecution and the sentence passed in case of a conviction?

(*b*) In how many cases persons detained under the Bengal Criminal Law Amendment Act have been punished for breach of rules by the officer in charge of detention camps and prisons during 1935?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Forty-five cases have been instituted during 1935 against detenus for breach of conditions of internment, of which 40 cases have ended in conviction, 1 has been withdrawn, 1 has been acquitted on appeal, and 3 are still pending. The punishment, in the majority of cases, ranged from one day's imprisonment to two years' imprisonment. In 5 cases a sentence of three years' rigorous imprisonment was imposed, in one of which it was reduced to six months on appeal. In 2 cases a sentence of four years was imposed which, in one instance, was reduced to one year on appeal. In 2 cases a sentence of five years was imposed, both of which are now under appeal.

(*b*) The information is not available here and Government are not prepared to undertake the task of compiling it.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state, with reference to breach of rules, if there has been a single case where a detenu has been convicted for having committed an act of violence?

The Hon'ble Mr. R. N. REID: Sir, the only case I can quote now is the murder case at Goalundo.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether any records are kept when such punishments are inflicted?

The Hon'ble Mr. R. N. REID: Record is kept in the different localities in which punishments are inflicted.

Mr. SHANTI SHEKHARESWAR RAY: In that case, what was the difficulty in getting the figures for the information of the House?

The Hon'ble Mr. R. N. REID: Considerable labour and trouble is involved which Government do not think will be commensurate with the results to be obtained.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state how many detention camps are there in Bengal?

The Hon'ble Mr. R. N. REID: I would refer the hon'ble member to starred question No. 60 which comes on to-day very shortly.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if it is the view of Government that it would involve a great labour to obtain figures from these few detention camps?

The Hon'ble Mr. R. N. REID: I have said so once, Sir.

All-India Library Conference.

***59. MUNINDRA DEB RAI MAHASAI:** Will the Hon'ble Minister in charge of the Education Department be pleased to state what action, if any, has been taken in Bengal on the resolutions adopted at the—

(*i*) first All-India Library Conference held in Calcutta in September, 1933; and

(*ii*) second All-India Library Conference held at Lucknow in April, 1935?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*i*) The member is referred to the answer given to a similar question of his on 22nd December, 1934.

(*ii*) A copy of the resolutions has not been received.

Expenditure on detenus.

*60. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing for the periods from 1925 to 1934—

(*i*) the annual total expenditure for the detenus;

(*ii*) the annual expenditure for the maintenance of each detention camp from the time of their establishment up to the present time;

(*iii*) the number of detenus detained in each year in each camp;

(*iv*) the number of village internees for each year;

(*v*) the annual expenditure for village internees for each year;

(*vi*) the number of home internees for each year;

(*vii*) the annual expenditure for home internees each year; and

(*viii*) the average per head expenditure for each detenu every year?

(*b*) Is it a fact that the average amount of allowance paid to each detenu is decreasing year after year?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the reason for such curtailment?

The Hon'ble Mr. R. N. REID: (*a*) (*i*) and (*ii*) Statements are laid on the table.

(*iii*), (*iv*) and (*vi*) These figures cannot be collected without a disproportionate and unjustifiable expenditure of time.

(*v*) and (*vii*) The figures are not separately available, the expenditure on both being lumped together under "47—Miscellaneous."

(*viii*) No proper average can be worked out without taking into account the expenditure in jails and on police which, as stated above, are not separately available.

(*b*) and (*c*) Reductions have been made from time to time in the allowances of detenus because they were found to be excessive. Every reduction has been preceded by a full enquiry.

Statement referred to in the reply to clause (a) (i) of starred question No. 60, showing the annual total expenditure for the detenus for the periods from 1925 to 1934.

(a) (i)

Year.	Expenditure.
	Rs.
1925-26	47,059
1926-27	1,19,034
1927-28	1,38,159
1928-29	50,976
1929-30	2,211
1930-31	1,50,877
1931-32	9,69,945
1932-33	13,15,622
1933-34	19,77,340
1934-35	21,46,527

The above figures do not include expenditure in jails and on the police, figures of which are not separately available.

Statement referred to in the reply to clause (a) (ii) of starred question No. 60, showing the annual expenditure for the maintenance of each detention camp from the time of their establishment up to the present time.

(ii)

	1931-32.	1932-33.	1933-34.	1934-35.
	Rs.	Rs.	Rs.	Rs.
Buxa	2,93,701	1,98,170	1,66,594	1,49,254
Hijli	2,97,642	2,86,395	2,90,267	3,04,000
Berhampore ..	42,716	3,29,576	4,22,270	4,23,243
Deoli	62,889	1,91,692	7,08,531	7,08,490

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state if it is a fact that the number of detenus is decreasing since 1933?

The Hon'ble Mr. R. N. REID: Not that I am aware of.

Rai Bahadur SATYA KINKAR SAHANA: If that is a fact, will the Hon'ble Member be pleased to explain why the amounts of expenditure for the four detention camps were increasing even in 1933 and in 1934?

Mr. PRESIDENT: The Hon'ble Member did not say that the number is decreasing, and the question, therefore, does not arise.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Proposed Tuberculosis Hospital at Baidyabati.

33. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether any offer has been made to Government for opening a Tuberculosis Hospital in the central part of Baidyabati?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether any objection has been taken to the location of such a hospital in that place;

(*ii*) whether any representations have been made by the local public against the location of such hospital in that place; and

(*iii*) whether any decision has been come to by Government in the matter?

(*c*) If the answer to (*b*) (*iii*) is in the negative, are the Government considering the desirability of allaying the public consternation by declaring the unsuitability of the place for the purpose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No such offer has been made to Government for opening a Tuberculosis Hospital at Baidyabati; but the Marwari community of Calcutta have proposed to establish a Tuberculosis Hospital at Baidyabati.

(*b*) and (*c*) Representations have been made to Government by the commissioners of the municipality and certain residents of the locality against this proposal. These representations are now under the consideration of Government.

Garden Reach Municipality.

34. Maulvi LATAFAT HUSSAIN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state what is the Muslim and non-Muslim population of the Garden Reach Municipality?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing out of the 20 nominated commissioners of the said municipality how many are—

(*i*) Muslim;

(*ii*) non-Muslim;

(*iii*) European;

(*iv*) Hindu;

(*v*) Indian Christian;

(*vi*) representative of capitalist interest and labour, respectively; and

(*vii*) domiciled non-Bengali Hindu?

(*c*) Will the Hon'ble Minister be pleased to state whether any one who does not possess the qualifications as laid down under the Bengal Municipal Act has been nominated?

(*d*) If the answer to (*c*) is in the affirmative, how many are they?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Muslims 29,635 and non-Muslims 26,237.

(*b*) (*i*) Muslim—7.

(*ii*) Non-Muslim—12.

(*iii*) European—5.

(*iv*) Hindu—6.

(*v*) Indian Christian—1.

(*vi*) Representative of—

(*a*) Capitalist interest—5.

(*b*) Labour—Nil.

(*vii*) Domiciled non-Bengali Hindu—1.

(*c*) and (*d*) The appointments were made by nomination under a Special Act, viz., the Garden Reach Municipality Act. No voters' list was prepared and it is therefore not possible to say whether the nominated commissioners are qualified for election under section 16 (*3*) of the Bengal Municipal Act.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will it be correct to say, therefore, that seven of the nominated commissioners are Muslim and 12 non-Muslim?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is there any reason for this disproportionate representation considering the strength of the two communities on population basis?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, population is not the only criterion; several other facts had to be taken into consideration; for instance, the rating strength, the stake and the importance of a community in the municipal area.

Dacca Mitford Hospital X'Ray Department.

35. Maulvi MUHAMMAD HOSSAIN: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that there is an X'Ray Department in the Dacca Mitford Hospital;

(*ii*) that there is one Assistant Surgeon in charge of it;

(*iii*) that the said Assistant Surgeon is getting his grade pay and special allowance;

(*iv*) that he also gets 95 per cent. of the income of the X'Ray Department;

(*v*) that only 5 per cent. goes to the Government fund; and

(*vi*) that the minimum charge there is Rs. 16?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state why the major portion of the income of the department is given to a fully paid Government servant?

(*c*) Are the Government considering the desirability of lowering the charge for the benefit of the poor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*), (*b*) and (*c*) The member is referred to the reply to the unstarred question on the subject put by Maulvi Abdul Ghani Chowdhury at this session.

RESOLUTIONS.

(On matters of general public interest.)

Mr. PRESIDENT: The House will remember that we were discussing resolution No. 2 when the Council rose on the 29th of July. The discussion on that resolution may now be resumed. I shall allow two hours to be devoted to the discussion of that resolution.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I have great respect for the mover of the resolution, Mr. Narendra Kumar Basu, whose strong advocacy of the public cause on every available opportunity has earned for him the confidence and esteem of those whom he represents in this Council. I hope I am not speaking in terms of hyperbole when I characterize Mr. Basu as the doughty champion of popular rights. Although I am unable to see eye to eye with him in many matters, yet I admire him for his thoroughness and his clear conception of things. But, Sir, so far as the resolution under discussion is concerned, I must confess that his indictment of the person or persons responsible for the working of the Co-operative Department is not based on facts.

Sir, if one goes a little deeper into the question, one will find that Mr. Basu's statement that for the last two years or more, no report was issued by the Co-operative Department, is not correct. The last report on the working of the co-operative societies for 1933-34 has already been published, as far as I am aware. The report was submitted by the Registrar of Co-operative Societies in February, 1934. Mr. Basu said that rural banks were supposed to be supervised by auditors appointed by central banks and that 30 banks were to be supervised by auditors appointed by central banks and that 30 banks were to be audited by each supervisor. I am afraid that neither of the statements is correct. In the first place, auditors are not appointed by central banks, and secondly, supervisors are not entitled to audit the banks. It is the auditors appointed by Government who are authorised to audit the banks.

In Mr. Basu's opinion, the number of supervisors should be increased. Evidently he bases his opinion on the assumption that supervisors are appointed by Government. But it is not so. Supervisors are the employees of the central banks, and it is the lookout of the central banks to see whether their number should be increased or not. Mr. Basu complains that there is no recruitment from the rank of supervisors to the rank of auditors. This is also not borne out by facts. A certain percentage of auditors is recruited from the rank of supervisors according to the orders of Government.

Mr. Basu further states that the directorate of the banks is composed of people heavily indebted to the banks. I do not think that this is correct either. The directorate of a central bank is composed of representatives of the preference shareholders and of the shareholding societies. The former are not indebted to the central bank as according to the by-laws of the central bank no such individual can borrow money from the bank. As regards the latter class of directors, there is a circular issued by the registrar that a representative of D and E Class societies, that is, defaulting societies, should not be elected as a director. This circular is generally observed by the central banks. In the case of primary societies also, the defaulting *panchayets* are not allowed to continue as office-bearers, but in exceptional cases when better men are not available, they are allowed to do so. Sir, desultory remarks like these do not help matters much, rather they are calculated to do more harm than good.

It will perhaps be universally acknowledged that continued economic depression during the last 6 years has adversely affected the co-operative movement in all provinces in India. The position of outstanding debts is more or less distressing in all provinces, and it is now definitely held that unless there is a rise in the price-level, particularly of agricultural commodities, the position of the movement will not appreciably improve in any province. Notwithstanding the abnormal fall in the price of jute, the only money-crop in the province, the percentage of outstandings in the co-operative societies is not worse than that in many other provinces. Almost all the loan offices in this province have long ago closed their doors and are not paying anything to their creditors. But the co-operative banks are paying interest to depositors fully and regularly. It is true that some of the banks in the jute-growing areas are finding difficulty in meeting matured deposits, but they are also paying such deposits proportionately. Various steps have been taken by the Co-operative Department during the last two or three years to improve the position, and such results as may be possible under the present circumstances have been achieved.

In this connection, I would invite a reference to the communique issued by the Publicity Department of Government on the results of the action taken by the Co-operative Department. Since the commencement of the present economic depression, the policy of the department has been one of consolidation of the movement which involved reconstitution of bad societies and winding up of hopeless ones. While this policy was perseveringly followed, it was at the same time thought necessary to save the movement from drifting into stagnation. Arrangement has, therefore, been made during the current year to form new agricultural and other types of societies in suitable areas. A special set of by-laws safeguarding the defects of the past has been prepared for the new agricultural societies proposed to be organised.

While there has been an abnormal fall in the prices of agricultural produce, the high rate of interest charged from individual debtors in the co-operative societies remained the same, with the result that the percentage of overdues, both principal and interest, increased overwhelmingly every year in a large number of central banks in the jute-growing areas. In consequence, these central banks were working at a deficit. The Registrar of Co-operative Societies, personally visited most of these banks during 1933 and 1934——

Mr. NARENDRA KUMAR BASU: How do you know that?

Rai Bahadur KESHAB CHANDRA BANERJI: I have studied the question closely and I am speaking from my personal knowledge of facts. If my friend had been a little more industrious and had cared to look into the records, he would have known the real position.

Mr. NARENDRA KUMAR BASU: You are following the details given to you by the Registrar.

Rai Bahadur KESHAB CHANDRA BANERJI: I never met the Registrar in the course of a year. These are some of the facts which unmistakably show that the department has not been lying idle so long. I do not think it is fair on the part of anybody in this House to criticise the work of a particular officer. The new Registrar has been here only for a short period, and I do not think we will be justified to criticise his work without giving him sufficient time to improve the condition of the department under his charge.

With regard to the condition of these societies, I would like to add that almost every individual and every institution in this country has been more or less hard hit; the *zemindars* find themselves in a helpless position on account of the continued economic depression. They are not in a position to realise their rents. Similarly, the private money-lenders also find themselves in a sorry predicament. They cannot realise their dues and are at the mercy of the debtors. The Co-operative Department, being a department of Government, has no doubt better opportunities and facilities for the realisation of its dues, but even then there is a limit to its capacity. When the cultivator has no money, how can the dues be realised with punctuality? These are some of the patent facts which have not been taken into consideration in criticising the department and the work of the Registrar of Co-operative Societies. Sir, I do not think any useful purpose will be served by appointing a Committee of Enquiry as suggested by Mr. Basu. I have a bitter experience of such Committees. I hope

Government will take note of what is ventilated on the floor of the House and try to remove defects where they exist.

With these words, Sir, I oppose the resolution.

Maulvi ABUL KASEM: I also rise to oppose the motion of my friend, Mr. Narendra Kumar Basu. The first and the foremost reason why I do so is, as I said some time ago, that Government has a remedy for all evils. Whenever there is any complaint against the administration, a committee is appointed to enquire into the question. The committee then meets and sometimes they submit their report which, however, is not of much benefit. It has become our habit also that whenever we want certain matters to be investigated into, we also suggest that a committee consisting of a non-official majority should be appointed to enquire into the question. I do not believe in these committees, and, therefore, I oppose the resolution.

Secondly, Sir, the administration of the Co-operative Department is not a question in which the Treasury Bench and ourselves are opposed to each other. The object and the desire of the Treasury Bench as well as that of the non-official members and the people of Bengal is the same, namely, that the co-operative movement in this province should be a success, and an unqualified success, and that every method that can possibly be adopted should be availed of. My friend, Mr. Narendra Kumar Basu, has levelled his charges which, in his opinion, are the reasons for the appointment of a committee to investigate into the administration of this department. He says, there are outstanding liabilities, that banks' dues have not been properly realised. Sir my friend, Rai Bahadur Keshab Chandra Banerji, with his intimate knowledge of, and interest in, the co-operative movement, has categorically replied to Mr. Narendra Kumar Basu and to his statement. While admiring his staunch championship of public rights and liberties, he says that in this resolution at any rate that championship of the interests of the public and of the poor has been misdirected, because the statements that Mr. Narendra Kumar Basu has made, the Rai Bahadur says, and categorically points out, are incorrect all through. The question is whether the liabilities and the non-realisation of dues from the debtors by the co-operative societies, in spite of strong measures taken by the Registrar to realise them, goes much to the credit of the Registrar or not. Sir Daniel Hamilton, himself a great leader in the co-operative movement, and to whose zeal, energy, and I may add, to whose help, depends to a large measure the success of the co-operative movement in this country, stated definitely in one of the conferences, the earlier conferences of co-operative societies, that the object of the co-operative movement is quite different from that of the money-lending banks as well as the money-lending people. It is not for

lending money and realising it; it is not only for the purpose of lending money at a less rate of interest than that taken by private money-lenders, but it is for the purpose of helping the agriculturists, artisans and other poor people who are prepared to undertake work, I mean to say profitable work, in a co-operative spirit, and it will not be right, simply because there is a failure of crop—and there have been failures of crop of late—that money should be realised in the spirit of a Shylock. During the last two or three years, on account of prices of jute and of rice with which I am more concerned, having gone down, the producers of rice and jute feel it difficult to make both their ends meet. Therefore, Sir, it is not a charge which can be levelled against the present Registrar. We have been told that this Registrar is not well educated, not efficient, and that there are other charges also against him which have brought this department, which was being run in a first class style, into discredit. May I remind my friends that the present Registrar has not been allowed to work long, that the present Registrar inherited much of the misdeeds and corruptions of his predecessors. Committees have decided that officers of Government with most brilliant results at College Square have been found unsatisfactory and in many cases had to be removed. It is not College Square only which has the right to say who is efficient and who is not. It has been realised from experience, Sir, that the seal of the College Square has been in more than one instance found to be defective. Sir, another charge has been brought which I feel it my duty to repudiate. The greatest fault of the present Registrar is that he is related to one of the members of the Treasury Bench. You, Sir, stopped the digression on that point, but my friend has contended that it is not desirable that officers should be placed in positions of trust if they are related to any of the high officials of Government. That may be true, Sir, if the fact is that any officer is promoted or put in a position of trust simply because of his relationship. But if he is otherwise competent, if he can show by his work and experience and by his efficiency that he is fit for the high position, I see no reason why he should be debarred from getting the post, and that is a point for consideration. It is not a new thing in Bengal. We had such instances when we did not object. There are high officials in other spheres of life who have put their nearest relatives in positions of trust in supersession of the claims of others, but a voice was not heard, not a question was asked, and not a protest was uttered. The reason is that in those cases the beneficiaries did not belong to the suppressed classes.

Mr. PRESIDENT: You need not labour that point.

Maulvi ABUL KASEM: Sir, I do not know much about the present Registrar, but I know this much that he has earned his promotion

step by step by going through every step of the ladder. He worked in various capacities, viz., as Assistant Registrar, as Personal Assistant to Registrars—with some of the most brilliant Registrars if I may say so—and at a crisis when it was found that the department was put into mud by officers other than himself, he had to be picked out to put the whole matter smooth and right and he was chosen for that purpose.

Secondly, Sir, it was my friend Rai Bahadur Keshab Chandra Banerji, who has stated that if we examine the department's work carefully we will find that the Registrar has started mending matters and clearing the dust and that in the right way and he has succeeded. Above all, we have been told that Government itself realises that there is something rotten if not in the State of Denmark but in the Co-operative Department, as Government has appointed a high official as Joint Secretary above the Registrar and another officer as Deputy Registrar below the Registrar. If that is so, Government itself realises the position. Then what was the necessity and what is the necessity of pressing this resolution on Government? Government is alive to the fact that this administration ought to be looked into. But to presume or to assert that this mud or this inefficiency is due to the personal action or to the want of capacity of the present Registrar would be absolutely wrong. Whatever defect there is in the Co-operative Department it is due to previous officers and it is nothing but an inheritance of the present Registrar. Whatever the charges are about mismanagement and muddling of the whole system, he has inherited them, and he has in his turn tried his best to clear the mud and dust and improve matters. (MAULVI SYED MAJID BAKSH: A legacy and not an inheritance.) Sir, I do not wish to say more. From the trend of the speeches which we have heard just now and before, viz., from Mr. J. L. Bannerjee and others, I think it is not necessary for me to labour the point any further. I only say that I agree with Mr. J. L. Bannerjee in what he has said which I think is to the point, viz., that it is not right to blame the present Registrar. The system has to be looked into and for this purpose Mr. Porter and another officer have been indented from other departments. We must, therefore, wait and see the result of their labours, and I hope and trust that it will satisfy everybody. No doubt, Sir, the Co-operative Department is a great movement, and it is one of the most important departments of Government. There is no doubt that this department has been neglected, and I think criminally neglected so long; but true it is that people have now begun to take more interest in the Co-operative Department than before. Therefore, the present administrators of the department should not be blamed for what has been done before. With these words I oppose the motion lock, stock and barrel, and I hope the mover will withdraw it.

Mr. B. C. CHATTERJEE: Sir, this resolution of Mr. Basu causes a little difficulty in the light of the speech that he has made in support of it. In his speech he has associated the resolution with an attack on a particular permanent official, and as far as one can see from the facts which have come tumbling down from speaker after speaker, it appears to be quite clear that Mr. Basu was wrong in launching his attack on this particular official; and before one could vote for this resolution one would like to know if Mr. Basu still persists in his attack on this particular official or whether he would like to purge this resolution of that attack. If he will withdraw his attack on this official, then we should know how to vote for his resolution. As it stands, it is associated with the attack which seems to be quite unjustifiable, as the facts placed before us go to show—facts of which Mr. Basu appears to have been unaware. I have known Mr. Basu for a very long time, and I would appeal to him personally to withdraw his attack and then put his resolution for the consideration of this House. If he will do that, he may find much sympathy with the impersonal aspect of this resolution and he may expect to carry it through. But unless he divorces his resolution from his expression of antipathy against this particular official, I would ask the House to vote against the resolution.

Maulvi ABUL QUASEM: Mr. President, Sir, Mr. N. K. Basu wants a Committee of Enquiry to be appointed for two purposes: to enquire first into the administration of the Co-operative Department and, secondly, the appointment of officers therein. Many speakers have dealt at length with the grounds which Mr. Basu has urged in his speech in support of his motion. So far as the enquiry into the administration of the Co-operative Department is concerned, the little show of a case which Mr. Basu has sought to make out has been completely disposed of by the previous speakers, and I have very little to add to what they have said. I have, however, two things to submit by way of general observations. Mr. Basu's chief complaint was that the unrealised advances had accumulated to such an extent as to warrant the necessity for an enquiry into the administration of the Co-operative Department. Sir, I believe Government was responsible to a great extent for this state of affairs. There is no doubt that there are overdue loans unpaid. But what is the reason? The first reason is the terrible economic distress which has been prevailing in Bengal and shows little sign of diminishing or disappearing. Well, Sir, we know that every class of people are suffering from this distress—from the *zemindar* and *mahjan* down to the peasant and all the intermediate classes in between these classes. Well, Sir, no class of people has been immune from this onslaught of economic depression. Government has had to relax to some extent the rigours of the "Sunset" law in favour of the *zemindars*. What wonder, therefore, that the cultivator should

be unable to pay the loans? He must live and live till better times come to be able to discharge his liabilities. Sir, there is another factor, viz., that the Government's rate of interest has been exorbitant. The department was compelled to charge high interest previously which ranged from Rs. 15-10 to Rs. 18-6. Now, it has been brought down after a great deal of effort to an amount ranging from Rs. 12-8 to Rs. 10. Still the rate is very high. The only constructive suggestion in this direction that I heard was put forward by Dr. Sen Gupta. He suggested that Government should float a big loan and lend out money to this department at a low rate in order to enable it to lend money to the people at smaller rates of interest. That is the only constructive suggestion which delighted my heart. Well, Sir, the fact has to be noted that all these overdue loans had been issued not during the time of the present Registrar, as Mr. N. K. Basu seemed to suggest, but 90 per cent. of these loans had been issued long before the present Registrar assumed charge of his office. To blame him for these overdue loans is neither fair nor just.

Sir, Mr. B. C. Chatterjee with his characteristic candour has rightly hit the nail on the head so far as Mr. Basu's attack on the department is concerned. Mr. Basu found fault with the present Registrar because he discovered some sort of relationship between him (the Registrar) and an Hon'ble Minister who holds charge of this department. A previous speaker, my revered namesake, has dealt with this question very fully. Because a permanent official happens to be related to a politician who by an accident of political fortune comes to have charge of the department as a member of the Government, that is no reason why the permanent official, if properly qualified, should be penalised.

Mr. PRESIDENT: You need not labour that point.

Maulvi ABUL QUASEM: Very well, Sir, I bow to your decision. I might, however, give instances without giving any names which probably escaped Mr. Basu's notice. Did Mr. Basu utter a single word of protest when about a year ago we found a big case of jobbery perpetrated? I do not know, Sir, whether you will permit me to refer to the case, but it is a fact that as soon as a certain gentleman was appointed to a high position in the Government his son-in-law was appointed a Judge in a court of law——

Mr. PRESIDENT: I do not think it is necessary for you to go into that; you might give up that point.

Maulvi ABUL QUASEM: Very well, Sir. Vague charges have been levelled and the amount of mud that has been thrown has not

tended to raise the level of the debate. Sir, I submit, that the resolution is of such a character and its treatment by the mover has been such that it is difficult to refrain from referring to things which you would have us avoid. You of course stopped the mover because he went off the rails. But we had a clear indication of his mind. He wants an enquiry for two purposes. I have referred to the first, and as regards the second purpose, and what I suppose is the genesis of this motion, I would refer the Council to the Council Official Proceedings, page 56, Volume 43 (V). On the 13th March, 1934, Mr. Basu asked a question in this Council which was answered by the Hon'ble Minister in charge of the Agriculture Department. The question was—

"(1) Will the Hon'ble Member in charge of the Agricultural Department be pleased to state—

(*i*) the present number of inspectors, and

(*ii*) the present number of auditors?

(2) How many of them are Muhammadans?"

I stress the word "Muhammadans." The Minister in reply to the first question said:—

"Inspectors 84, auditors 241."

And, so far as the Muhammadan element in both went, the reply was, "Inspectors 34, out of 84, and Auditors 101 out of 241."

Sir, it would appear that the number of Muhammadans did not even equal the number of non-Muhammadans. I know, Sir, you try your level best to maintain the dignity of the House; we whole-heartedly acknowledge this. But when men of the position, calibre and influence of Mr. Basu think fit to speak in this House in the strain he has done, how can we mince words in giving a reply? To raise a question of this description will only rouse communal feelings and excite communal bias. I am one of the youngest and humblest members of this House, and have been here for barely 3 years. More often than not I have gone against Government, when I have found it my duty to do so, on many public questions, and I have felt proud to follow the lead of Mr. N. K. Basu. It goes against my grain to have to speak against Mr. Basu as I am doing, and I feel the deepest sorrow that a man like Mr. Basu should be speaking and acting as he is doing.

I fail to understand why he should accuse the department of inefficiency. He has not, to my mind, apart from the case of the appointment of the Registrar, put forth any clear and straightforward reason why he wants to criticise the appointment of officers in this department. As I have shown, Muhammadans do not outnumber the Hindus. He has not cited any cases of unqualified men being taken in this department. So far as auditors are concerned, some are chosen

from among the supervisors. Every auditor before being confirmed has to pass a departmental test. I cannot resist the conclusion that possibly the existence of a considerable number of Moslems in this department has upset the mental balance of Mr. Basu. I cannot help it, Sir——

Mr. PRESIDENT: Please come back to the resolution.

Maulvi ABUL QUASEM: That is the feeling it gives me.

Mr. PRESIDENT: That is merely a side issue.

Maulvi ABUL QUASEM: I have sought to expose the origin of Mr. Basu's resolution, and I have shown that a connection may be traced between this resolution and the question put by Mr. Basu in March, 1934.

Mr. PRESIDENT: You have said enough on that point. Let us hear something about the resolution itself.

Maulvi ABUL QUASEM: It has not been shown that there is any justification for any enquiry nor any instances have been cited where improper appointments have been made. Mr. Basu has not made out a case why there should be an enquiry into the appointment of officers in the department. Taken all in all, what has been said by Mr. Basu and what has been said by previous speakers either in support or against the motion, I find that no case has been made out for any enquiry.

With these words I oppose the motion.

MUNINDRA DEB RAI MAHASAI: Sir, over three weeks ago I heard with rapt attention the speech of my hon'ble and esteemed friend Mr. N. K. Basu about the maladministration of the Co-operative Department in Bengal. As there was sufficient time in the intervening period, I thought it better to make enquiries and satisfy myself about the correctness of the charges levelled against the department. I was also not satisfied with the way in which the Co-operative Department was being conducted in this country. My chief complaint was that the Co-operative Department should not confine its energies and activities principally to the money-lending part of its work. In fact, over 99 per cent. of the co-operative societies are no better than co-operative loan offices. I do not decry it. It has got its utility. I have got some practical experience in the matter. By starting a co-operative bank in my town I was able to compel the unscrupulous Kabuli money-lenders to leave my town for good. It has also solved to a certain extent the unemployment problem of *bhadralok* young men of my town who have set up small business or have improved their business by taking loan

from the bank. It has earned the confidence of the public who prefer to deposit their money here to in the Post Office Savings Bank. As I have already said, I do not decry co-operative banking; it serves a very useful purpose in a poor country like ours. But what I mean to say is that its energy should also be directed into other channels. I had been to Europe very recently and studied with more than ordinary interest the working of the Co-operative Department in some of the counties I visited. In Denmark practically the whole nation lived and thrived on co-operation. Almost in all walks of life co-operation is the guiding factor. In our country I want to see the same thing. I am a firm believer in co-operation, and I verily believe that our economic salvation lies in co-operation. My visit to Europe has confirmed my belief.

Here my countrymen do not understand the real significance of co-operation and no serious attempt seems to have been made to make it sufficiently clear. Government had hitherto no real heart in the work. They maintained this department just as they maintain others. This is not as it should be. This is the only department which can save Bengal from financial crisis. But unfortunately this department has been starved on the plea of their chronic financial stringency. The staff which they maintain are quite inadequate to cope with the work in which they are engaged and no expansion of its activities is at all possible under the present arrangement. I am glad to hear that it is proposed to hold training classes for the men engaged in the Co-operative Department. Perhaps it is due to the recommendation of several committees such as the McLagan Committee on Co-operation (1914-15), the Roy Commission on Agriculture (1928), the Indian Central Banking Enquiry Committee (1931) and several other provincial committees on co-operation. The McLagan Committee pointed out the very great need for the provision is co-operative education and training for the staff employed for the promotion and conduct of the co-operative movement and for the members of the co-operative societies. The importance of such training was repeated and emphasised by the other Commissions and Committees. The Royal Commission on Agriculture pointed out that "the only remedy for the unsatisfactory condition of the movement is the patent and persistent education of the members of the co-operative societies in the principles and meaning of co-operation" and they urged that "every effort should be made by the Co-operative Departments in all provinces to build up a highly-educated and well-trained official staff." I understand that the department deputed some members of their staff to the Punjab for necessary training and they want to engage them to give necessary training to their staff and members of co-operative societies. It would have been better if they could select a few intelligent members of the department and depute them to the West—the home of co-operation—for necessary training. By this means they could have got better practical knowledge of their working in different

branches of their activities and could have gained in addition a wider outlook of things. They could have on their return infused new blood to the rotten bones of the department. This would have been a move in the right direction.

As for the charges levelled against the department by my esteemed friend Mr. Basu I may just make some observations for his consideration. I am not a lawyer, and I am therefore not entitled nor expected to hold brief on behalf of any party. Mr. Basu said that for two years and more no report was issued by the Co-operative Department. I think the Report for 1933-34 was published some time ago and such delays are common in all departments of Government and not the Co-operative Department in particular. Of course, reports lose their importance and usefulness if they are unduly delayed.

Mr. Basu said that rural banks are supposed to be supervised by auditors appointed by central banks and that 30 banks are to be audited by each supervisor. I think this is not correct. In fact, the central banks cannot appoint auditors, and supervisors are not entitled to audit banks. The auditors are appointed by Government and they only are entitled to audit the banks.

Mr. Basu wanted increase in the number of supervisors. It is of course the business of the central banks to appoint them if they think it proper to do so. Government have got nothing to do in the appointment or increase in the number of supervisors.

Mr. Basu has stated that the directorate of the banks is composed of people heavily indebted to the banks. So far as I know the directorate of a central bank is composed of representatives of the preference shareholders and representatives of the shareholding societies. The former are not indebted to the central bank as, according to the by-laws of the central bank, no individual director can borrow from the bank. As regards the latter class of directors, *i.e.*, the representatives of D and E Class societies, that is defaulting societies are precluded from being elected directors under a circular order. The central banks generally observe this. Of course, there may be breaches of the rule, and it should be the duty of the department to take serious notice of any such breach. In the case of some primary societies the breach of the rules is more common, and I hope the department will take proper care to see that such things do not recur.

It is needless to point out that the continued economic depression during the last five years has adversely affected the co-operative movement in all provinces in India. The position of outstandings is more or less distressing everywhere, and unless the price level, particularly of agricultural commodities rise up, the position of the movement will not appreciably improve anywhere. In spite of the abnormal fall in the price of jute, the only money-crop in the province, the percentage of outstandings in the co-operative societies in this province

is perhaps not worse than many other provinces. It is a well-known fact that almost all the loan offices in this province have long ago closed their doors and are not paying anything to their creditors. But the co-operative banks are paying interest to depositors fully and regularly. Of course, in jute-growing areas difficulty is being experienced in meeting matured deposits, but I understand they are paying deposits proportionately. This is better than no payment. For these I think we cannot hold the present incumbent responsible. This is a circumstance over which human agencies have little control.

We are thankful to His Excellency the Governor for his attempt to reorganise the Co-operative Department and we are anxiously waiting to see how it materialises and helps to further the co-operative movement. In the circumstances, I hope Mr. Basu will be pleased to reconsider his motion and withdraw it.

Maulvi SYED MAJID BAKSH: Sir, speaking after about three weeks, it will be no admission of weakness of memory on my part if I say I do not remember the majority of the charges or arguments used by Mr. Basu in his speech. What I remember in this case is, I speak subject to correction, that he used an expression like "the department being managed in the manner of one's own family." That, Sir, lays the charge of nepotism at the door of the management of the department.

Mr. PRESIDENT: But you need not labour that point.

Maulvi SYED MAJID BAKSH: That is the charge made, and if I am to speak may I not refer to it?

Mr. PRESIDENT: Will you please give up that point, because I ruled that out? Mr. Basu was not allowed to pursue that point.

Maulvi SYED MAJID BAKSH: Without referring to Mr. Basu's speech I may point out that such appointments are also not unfamiliar even in the British Cabinet. Lately, we met with the appointment of Mr. Malcolm Macdonald——

Mr. PRESIDENT: Why do you refer to that? That point has been ruled out. You may discuss about the efficiency or otherwise of the officers appointed.

Maulvi SYED MAJID BAKSH: Very well, Sir. In discussing the appointments of officers, I must say, first look to the qualifications of the officers who by virtue of their training and acquaintance with the department were appointed, whether they were fit to be placed in charge of the department or not. As you rule I leave that point.

aside, yet it remains to be proved by the speaker that the present officer concerned is inefficient to manage the department. Unless and until this is proved, there is nothing to speak about the appointment.

Now I come to the method or manner in which the department has been managed. I need hardly say, as others before me have said, that the man is hardly fast in his saddle and it is too early to judge him by any omission that might not be entirely a fault of his but, as others have said, a legacy left to him by his predecessors. From aught we know, I may point out that there is in the contemplation of the department a thorough overhauling, and if I understand aright, an expert officer of the Government of India came to look after the efficiency and working of the department and an I.C.S. officer has been appointed now for the same purpose. The officer that came from the Government of India, I hear, definitely expressed the opinion that the department is hopelessly understaffed, that with the present number of societies to be managed by the department and the depression that has come over these societies and over the entire province it is really a miracle that these societies have not gone into liquidation by this time. Therefore, if we place at the disposal of an officer a hopelessly inadequate staff, it is idle for us to come round and blame that officer for not doing the requisite amount of work. If there is any defect, and I take for argument's sake that there is some defect, although I do not admit that there is any defect, that charge redounds to us because we do not give him the requisite number of officers. Hence, if the scheme which has been formulated is to materialise which will actually lead to the amelioration of the societies, we must wait till the new scheme is put into operation. But if before that we start with a committee now and not give the proposed recommendation or the proposed ideal of overhauling a chance, it would be putting the cart before the horse. I need hardly tell you, as other speakers have already pointed out, that the real spirit of co-operation may be understood in this province, but it is not actually worked in that spirit. Dr. Naresh Chandra Sen Gupta was right when he submitted to you that these societies have been more or less in the position of money-lenders. The actual principle on which these co-operative societies ought to work is not only to lend money but to improve the condition and buying capacity of the person who borrows the money. If you do the first thing and become a money-lender and neglect the other thing, the natural consequence after a time will be that the debtors will not find sufficient money to pay back the money with interest, to repay his loan. He gave an example, that of Gosaba, where really co-operative principle is worked from start to finish, but he did not take into account the real area of Gosaba on which a large capital is let out by Sir Daniel Hamilton to bring it into perfection. Government could not follow him because Government have neither money nor staff to manage the thing in that way. If you compare the number of persons employed

in Gosaba with the number of persons employed in the Co-operative Department you will readily discover the difference, and you will readily find the actual breach in the armour. Of course, it will not be worth while to go into the principle and the working of the co-operative movement as is conceived in other countries, as one of my friends has pointed out, nor should I go into the historical details of the first person who conceived the idea, namely, Schulz-Dalis. But I would say that in future if the co-operative movement is to be a success, it must work hand in hand not only with the money-lending business but also in helping the person in turning his borrowed capital into productive wealth. For that I think it requires thorough overhauling and a large staff who have a thorough conception of the entire business. I found it from one of the speeches which the present Registrar delivered in one of the Conferences that he has actually conceived the idea. He has actually conceived the idea of co-operation that ought to be carried out in this province. If he has done so, I think he should be given a chance. Instead of starting an enquiry at once, he should be given a chance to carry into effect his ideas. After we have seen the working of it, it will be time then for a critical examination of that work. But if instead of doing that we start with the appointment of a committee, then as Mr. Abul Kasem has said it would mean the shelving of the real question. Even assuming that the committee will do some work instead of shelving the question, the chief difficulty will be the appointment of the committee which will postpone the programme of work that has been actually undertaken lately by the department—a postponement we can hardly afford to make, because the co-operative societies are already in a deplorable condition and require overhauling; but if they are allowed to stay in this state, they will die out very soon. It will mean so much loss of labour for those persons who worked for it and of the officers and Inspectors who enquired into it; it will mean an entire loss to the province and to those men. But if on the other hand we allow this to work a while and find out that it is really profitable, we can continue that. If it is really profitable, I do not think anyone will want to retard its progress, or hinder it by the appointment of a committee. The principal objection to the appointment of a committee so far as I am concerned is that it will retard the progress of the work. With these few words I oppose the amendment.

Mr. W. C. WORDSWORTH: It would be impertinent of me to pretend to the same intimate knowledge of this subject as Mr. Narendra Kumar Basu and many others who have spoken out of deep knowledge and long acquaintance with the work, but I do profess a little knowledge and more than a little interest in the principle and practice of co-operation dating from the spacious days when I was an official and continuing with considerable difficulty through these more arduous days when I have to work for a living. I think no one who has given

any attention to this subject can refuse to go a certain way with Mr. Narendra Kumar Basu in his gloom of spirit. And yet it seems to me that it would be unfair to condemn the work that is being done and that has been done just because all is not well. We can admit, all of us, many things about the co-operative system as it has been working in India. We can admit to very many disappointments. I often wonder whether it is not one of the grievances against the department that there are more disappointments than appointments. We can admit that co-operative credit has not made the new heaven and earth that was promised by the pioneers of the movement some 30 or 40 years ago. We can admit that as in other provinces so here it has not made apparently any very great difference in the character of the *raiyat*, the reason being perhaps that the *raiyat* has to work so hard that he has no time or energy left to think about the improvement of his character. But against all this we can put much. There is in India, and in Bengal, considerable hope remaining even after all the disappointments. There is more than a small leaven of men who have now the knowledge of co-operative principles and some experience of their application. This knowledge may be largely routine knowledge, learnt from books or from word of mouth or from written instructions, but it is knowledge that must have an effect. We know, too, that in Bengal as elsewhere co-operative institutions have been able to reduce their own working rate of interest and by so doing have forced a reduction of interest rates elsewhere. There are, therefore, solid achievements that we must place to its credit. Let us remember, too, that for some years now the system in Bengal has been working in an afflicted province, in a province where landlords have no money, where tenants have no money, where people cannot sell their crops and where there is no money to buy anything, and yet there is a considerable amount of lending and borrowing by the peasants and others for co-operative purposes. They have been persuaded out of their penury to put by money for their advantage and for the advantage of others, and I believe that, even to-day, the Bengal Provincial Bank draws in about 200 lakhs of rupees a year, which come from somewhere, from savings and sacrifices of some sort. Now, Sir, let us consider in what kind of province these activities are being carried on. We, in Bengal, as a province, are worse than penurious. We are in such a condition that we cannot give our peasants a little clean drinking water unless the Government of India gives us a little *bakshish* for this purpose. If the co-operative societies have been able to work with any success in an environment of this sort, I think we should express our admiration of the men who have done such things in the teeth of staggering difficulties.

We are asked to agree to a Committee of Enquiry. I should be prepared to agree to that only if it were understood that the committee

was intended to be helpful, although we have had so many committees that it would look very much like tearing a plant up by the roots once more to see how the roots are getting on. But I should not support the appointment of a Committee of Enquiry if it were understood that the work was to be done in any spirit of hostility to the people who are doing the work. There has been something like a personal attack upon the head of the department. I hardly know him; I think I have met him twice and chatted with him once. But I have studied his work in Reports, Circulars, and Instructions, and, so far as I can tell, he is doing his work with discretion and competence, as he is certainly doing it with energy.

Mr. P. BANERJI: Sir, this is an occasion when I can rightly say that there is a tempest in a teapot, for I fail to understand why member after member should have stood up and attacked Mr. Basu. I do not know what offence he has committed. Mr. Basu simply wants Government to form a Committee of Enquiry. Sir, whenever we from this side of the House want a committee, Government says that there is no necessity for such a committee, but after a few months, Sir, we find that a committee has actually been appointed on that matter. We know, Sir, that Mr. Basu some time ago wanted a committee to go into matters concerning electricity in Calcutta and certain persons were also named by myself to form that committee. Government, as usual, did not accept that motion, but only a few days ago we found a notice in the newspapers that Government had appointed an Electricity Committee of the kind we pressed for. From the arguments put forward by member after member who has spoken against his resolution, I still fail to be convinced that there is no necessity for the appointment of a committee forthwith. Maulvi Syed Majid Baksh has argued that Government have already begun the work of reconstituting this department and that they have already appointed an officer—Mr. Porter. That gentleman is there and he is just looking into the matter and, therefore, under these circumstances, a committee is not necessary. On the contrary, it stands to reason that the appointment of one particular officer evidently shows that there is necessity of appointing a Committee of Enquiry to look into the working of this department. There is no denying the fact that the Co-operative Department have not so far worked satisfactorily; if it has continued its existence, it is due to the simple reason that Government have been its protagonist; but if the law were allowed to take its own course, I am sure this department would have collapsed long ago. But whether that is a proposition to be accepted or not is a matter not for present consideration. Sir, many of the members have shed crocodile tears over the losses sustained by the failure of banks, etc., but if the Government came to their help many capitalists would not have lost their money. Many banks and loan offices have tried to reconstruct

themselves and applied to Government for reconstitution, but the result has been that Government gave them no help and they have accordingly been forced to liquidation. But on that occasion nobody cried himself hoarse over that. How is it that now you should be crying yourselves hoarse over this department and say that there is no necessity for the appointment of a committee? I say, let there be a committee appointed, and if, after enquiry, the committee says that the department has been working satisfactorily, then and then only can we come to the conclusion that Mr. Basu was wrong and not right. It does not matter whether a particular officer is doing his work satisfactorily or not—that is not the point. Suppose, in passing, the name of a particular person is mentioned by anybody, no one can take any objection to it. So far as the first part of the resolution is concerned, what reasonable objection can be taken by members, if they are satisfied that there is no harm in that, for even the leader of the so-called Nationalist Party has said that his only difficulty was about the latter portion of the resolution, viz., the question of the appointment of officers therein. May be, Sir, the work of the officers is satisfactory, but that is not the main issue. And in this connection, Sir, some members went so far as to raise a communal question, and I was afraid whether there would not be a communal riot here. Why should there be a communal question at all? Sir, times without number, we have brought this question before this House. Here, we are not concerned with the appointment of a Hindu or a Muhammadan, or a Christian. We are only concerned with the question of efficiency. But it is a matter of deep regret that Government have not always appointed efficient persons to the highest posts. And why? Because it is the policy of Government, as has been pointed out by my friend Maulvi Abul Quasem, to appoint not very able persons to posts of responsibility and they see to it that by degrees they are automatically promoted from an inferior status to the next superior status and so on until they reach the highest status: the result is that an inefficient officer some day may adorn the post of even an Hon'ble Member. To-day, an officer may only be a mere Sub-Deputy Magistrate or a Joint Magistrate, but one would not be surprised to find him raised to the status of a very superior officer to-morrow. Nobody can deny the truth of the proverbial saying: নরকারী কাম আপনে চলতা হ্যায়; this, in effect, means that whomsoever you place at the head of a department he will be able to carry on the work—with credit and distinction, I suppose. For example, if any of the back-benchers here from us were, by a magic touch of the Governmental wand, transported to the Treasury Benches over there, no falling-off in the efficiency of the administration would be perceptible and they would be one of the সব জান্তা . I submit that this principle of elevating ordinary persons to high offices is at the root of the failure of the co-operative movement in this province.

Sir, my friend Munindra Deb Rai Mahashai has suggested that the co-operative movement ought to be successful in this province in the same measure as it has been in some European countries: he mentioned in this connection the case of England. But anyone who is familiar with the vicissitudes of the co-operative movement in Europe must be aware of the fact that it has best succeeded in Germany: then comes France; and after that Japan. But will Government follow in the footsteps of these countries? Government's policy has been only to make a show and not an earnest attempt: they don't mean business, otherwise they would have followed the example of Japan at least. They are always out to pitchfork a man—say, one who does not know anything of finance—into a position where expert knowledge of finance is required. This is true in the case of members of the Indian Civil Service, Bengal Civil Service, and other services, who automatically rise to certain high positions as a matter of course by a mere stroke of the pen. That is a state of things that we have always resented.

Sir, Mr. Narendra Kumar Basu has been found fault with for using a single phrase, viz., "family arrangement," in the course of this debate. Personally, I think, that he should not have used that expression. He has used it, but what was in his mind? We all know what that means; in our own firms, too, we adopt this practice, of taking in our relatives, but care must be taken to see that too much advantage is never allowed to be taken of this. But that is not the point.

Mr. PRESIDENT: You need not go into that point. That point has already been closed.

Mr. P. BANERJI: My opinion is that if any person, who is well familiar with the state of the country, makes any passing remark—a casual remark—it should not be made too much of. I have heard to-day member after member, who has not studied the literature of the co-operative movement that has come into existence during the last 5 years—many of them have not studied a single book on the subject—getting up and saying things——

Mr. PRESIDENT: Mr. Banerji, you cannot say that; I shall not allow you to make such sweeping remarks.

Mr. P. BANERJI: After all, what does it amount to? It amounts to this: that because Mr. Basu has let fall a casual remark—which however is not quite an unreasonable remark—he must be taken to task. But members forget the fact that his main demand is only for a Committee of Enquiry. Let a committee be appointed forthwith to go into the working of the Co-operative Department in this province, and if in their own way they report that all is well with this department, well and good. What has the Government to fear then?

We have been told that Government have already started investigations in this direction, which of itself shows something wrong here, but will not admit it in so many words simply because the demand has come from this side of the House.

With these words, Sir, I support the resolution moved by my friend Mr. Narendra Kumar Basu.

(The Council was adjourned at this stage for 15 minutes.)

(After Adjournment.)

Mr. H. S. SUHRAWARDY: Sir, may I be allowed to speak now?

Mr. PRESIDENT: I must give Mr. Narendra Kumar Basu an opportunity to reply. I can give you 10 minutes and not more.

Mr. H. S. SUHRAWARDY: Sir, I shall try to finish my speech within that time and what I am unable to say will be left unsaid.

Sir, Mr. Narendra Kumar Basu must, I think, be pleased and satisfied that he has after all found a *murabbi* in Mr. P. Banerji. Mr. P. Banerji has asked various questions, one of which is—Why the other members of the Council have permitted him alone to cry "Boo" when the Co-operative Department has come up for discussion, and they have not joined in that cry? It is obvious that the other members are not anxious to join in any cry that he may make. He has seen that member after member has assailed Mr. Basu, and several members have remarked that Mr. Basu has made a communal speech. It is perfectly obvious that member after member cannot be wrong; and Mr. Basu's as well as Mr. Banerji's speeches reek of communalism. (MR. SHANTI SHEKHARESWAR RAY: Question.) They cannot stand any Muslim being efficient. To them efficiency means non-Moslemism. Because a Moslem Registrar has been appointed in charge of the Co-operative Department, Mr. Banerji brings up the question of efficiency for discussion, suggesting that a Muslim must be inefficient. Merely because this officer, though a senior officer, is charged with being a distant relative of the Hon'ble Minister—so distant that I think Mr. Banerji can claim relationship with Mr. Basu along those lines, although one is a *Brahmin* and the other a *Kayastha*—Mr. Banerji must pillory him in the name of efficiency, because he happens to be a Moslem. Now, Sir, in order to show the Registrar's lack of efficiency Mr. Basu has produced a condition of affairs of the Co-operative Department as it was three or four years ago. He has devious and sinuous ways of arriving at truths, but this time he has failed even in that. There has been an economic depression for several years past and the Co-operative Department as well as other departments have suffered owing to that depression, and the realisations have fallen gradually

year after year. Mr. Basu has now proved this by facts and figures. It has indeed taken Mr. Basu a long time to arrive at a knowledge of things that every single member of this House was aware of; but Mr. Basu has gone further—he looks at the files of three years ago to find out what work the department is now doing. Those who are conversant with the work of the department will, however, tell you that the present Registrar has brought life into a dying organisation, has brought hope into the hearts of the people who were unable to fulfil their obligations to the co-operative movement.

Sir, I deprecate the speech of Mr. Wordsworth which seems to me to be an apologia for the department as if the officers are unable to do anything owing to great difficulties, and he wants Mr. Basu to forget and forgive. He said so because he does not know the facts. I shall place a few facts before the Council and ask it to judge for itself whether the officer should be denounced on the score of inefficiency. When he came into the department it was found that the debtors could not pay their interest He went round and spoke to the central banks and was able to get them to reduce their rates of interests with the result, Sir, that a gleam of hope dawned in the hearts of the debtors, and the realisations have increased. I cannot go into the details of all the work as there is very little time at my disposal. The result of the Registrar's efforts is that to-day the interest due by the primary societies to the central banks is about half of what the debtors owe to the primary societies, and when the central banks are paid off the debtors may be relieved from further payments. This officer has further brought a certain amount of administrative efficiency into the department. He has divided up the societies into several administrative units—each consisting of 1,000 societies—and has placed a senior officer in charge in order to see that the work does not suffer. One of the cardinal mistakes which was committed by this department was that money was advanced against the price of land rather than against the paying capacity of the members, and the same amount of money was advanced to a person who had 10 *bighas* of land and one child as to one who had 10 *bighas* and a family of twenty-five to support. Under the scheme the paying capacity of each member will be enquired into and hence the Co-operative Department will not suffer from that failure which it has hitherto suffered from. Now, apart from having reduced the rate of interest, apart from the better administrative control and better supervision, the Registrar has put forward a rural construction scheme. But it is impossible to carry through this scheme unless there are officers trained for this work. He has put forward a scheme for the training of officers and has been able to secure a grant of Rs. 2,15,000. Sir, all these things had not been thought of before, or at any rate had not been put into practice and, consequently, the department went from bad to worse. Mr. Basu wants to lay the blame at the door of the present

Registrar for the evils and the lack of imagination which existed in the department before the present Registrar came on the scene. This gentleman has further put forward a scheme for improving the hand-loom industry and has secured for this purpose a grant of Rs. 1,10,000 which, we hope, will in course of time fructify and will change the face of this industry. He has also started a scheme for co-operative marketing which, we hope, will be more successful than the badly supervised system about which Mr. Basu has complained.

Sir, the land mortgage bank scheme, which was accepted by this Council, was also a product of this department and the present officer has had a great deal to do with it from the very beginning. Then, Sir, how could he do more than what he has done? The officer from the Government of India who has been referred to—a gentleman of the name of Mr. Darling—came to this province and pointed out that the department was hopelessly understaffed. He recommended that the staff must be increased by at least five times the present number. He pointed out that whereas there are 21,000 societies in Madras with 25 Assistant Registrars; 19,000 societies in Bombay with 22 Assistant Registrars, there are only 5 Assistant Registrars in Bengal with 25,000 societies. In view of this, Sir, I think the work which is being done at the present moment is simply admirable. Now Mr. Basu has brought up matters which existed two or three years ago to attack the present Registrar; when he has done so, he cannot complain if members on this side of the House feel that this resolution has been brought in not with a view to have an enquiry made into the working of the department, but with some other ulterior object which came out in the course of the speech.

Mr. NARENDRA KUMAR BASU: In rising to reply to the debate on this resolution I must confess that I am seriously guilty of one charge that has been made against me by several speakers and that is of not being *au courant* with the present state of the department. That I submit is not my fault. When on the 29th of July I pointed out that I had not been favoured with a copy of the reports of the co-operative societies for the last 2 years, the Hon'ble Minister got up and said that the report had been published and was available. Member after member has got up to-day to say that the report has been published, but they did not say whether it was available to them. Speaking for myself, I made a personal application to the Hon'ble Minister on the evening of the 29th July for a copy of the last report. To-day, the 20th of August, I have not been favoured with a copy. Either, Sir, the copy has been published for the use of the department and its friends only, or it has not been published for other members because they might make use of the figures in that report in a manner not very complimentary to the department. Sir, I admit the charge, but if what was said by the Hon'ble Minister and several members of this

House is true that the report has been published, I charge the Hon'ble Minister with having failed to supply a copy of it to me even after a personal request to him. Nor has my friend Mr. Momin got a copy. I do not know, excepting a favoured few amongst the speakers who said that it has been published, whether any one of them has got it. They may have got the facts from their friends in the department. But I am sure copies of the report have not been received.

Mr. H. S. SUHRAWARDY: A number of printed resolutions and reports.

Mr. NARENDRA KUMAR BASU: If my friend Mr. Suhrawardy will please rest his soul in patience, I will deal with him in a couple of minutes. Of all the various speakers who have spoken on this resolution, I think the speech which is beneath the notice of any member of this House is the speech of Mr. Sahid Suhrawardy. He said that my resolution and my speech were reeking with communalism. Sir, I challenge any member of this House or anyone outside to say that in my resolution or in my speech in support of that resolution there was one word of communalism. (MR. H. S. SUHRAWARDY: I challenge it.) Mr. Suhrawardy talks of my speech reeking with communalism. Sir, it is a sight for the gods—Sahid Suhrawardy complaining of communalism. Satan, reproving sin! Sir, I repudiate the charge completely. My speech had nothing of communalism in it. He talked of my tortuous and sinuous methods. We are too much familiar with Sahid Suhrawardy's methods to think even of replying to a charge of that description brought against any one by him. (MR. SUHRAWARDY: May I be permitted to answer?) Of the other speeches that have been delivered to-night one speech has given me considerable pain and that is the speech of my young friend Maulvi Abul Quasem. Because some time in 1934, on the 13th of March that year, there was a question about the number of Muhammadans employed in the Co-operative Department, "there," says Abul Quasem, "lies the genesis of this resolution." Sir, it must be perfectly familiar to the members of this House that questions regarding the number of Moslems, questions regarding the number of scheduled castes, questions regarding the number of officers in the services have been the subject of hundreds of questions and resolutions during the lifetime of this present Council and because, forsooth, poor Narendra Kumar Basu put a question like that, whereby he finds that 50 per cent. of the offices in the Co-operative Department were given to Muhammadans, therefore, forsooth, says my young friend, there was the genesis of this resolution. With the greatest respect and love for Mr. Quasem, I must say that he is fundamentally wrong. The genesis of this resolution is not that question, the genesis of the resolution is not the spirit of communalism, but the genesis of the resolution is in the widespread feeling of

apprehension and danger in the countryside. I am sorry for the apologists of this department. I am extremely sorry that even after the speech of the Hon'ble Minister in charge of the department they should have had the temerity and hardihood to attempt to applaud this department in this way. What did the Hon'ble Minister himself say in reply on the 29th of July? He acknowledged that there were many things in this department that were defective. He acknowledged that the department had not been working satisfactorily. He acknowledged that there were many things in the department which require looking after. But, said he, the Government has taken it up. The Government has appointed not only one but two Indian Civil Service officers to look into the working of the department and, therefore, the Committee of Enquiry is not necessary. He did not try to gloss over the faults of the department. He did not say that all was well in the Co-operative Department. He did not say that the working of the department was such that it needed no looking after. (A VOICE: Which department is?) He said that it is well known that there is defect. His actual language was: "What is now required is not the appointment of a committee for the purpose of discussing the defects which are already well known and many of which still persist, but what is necessary is that consistent and continuous action should be taken for the removal of the defects which already obtain." These are his words. Sir. Sir, I submit it ought to put to shame the so-called friends of the department. But I am forgetting that probably this debate has been one to make the present Registrar of the Co-operative Department the happiest man in Calcutta to-day. He must have felt his ears tingle and burn with the praise and encomium which were showered upon him from all sides. It may be that he deserves all that has been said of him. Mr. Suhrawardy would never listen to speeches and if he cared to, he would know that it is not correct to say that I wanted to attack the Registrar. I shall remind the House of what I said about the Registrar. I said that the department was in a very bad state in 1932, and at that moment what the Government did was to appoint a man who was the Personal Assistant to the Registrar to officiate for the Registrar. This was doubtless known to his friends in this Council and outside. He was in the cadre of Sub-Deputy Magistrate drawing Rs. 350 a month and an allowance of Rs. 100 as Personal Assistant to the Registrar. There were at least five men belonging to the cadre of Deputy Magistrate drawing Rs. 1,000 or Rs. 850 who were acting as Assistant Registrars. He was appointed to be Officiating Registrar when the permanent man Mr. Ganguli took leave, and it was said that he was appointed as a stop-gap because it was an acting arrangement for a short time. That acting arrangement went on from month to month and year to year and it was at last in 1935, beginning of 1935, when the vacancy became permanent it was said "this is the man who has been officiating for 2 or 3 years; he should now be made permanent."

I do say and I do maintain that it was not the right and straight way of appointing him. If he was the best man in creation for this post, he should have been appointed in a straightforward manner. That was not done deliberately. So now to say because he has in the estimation of some of his friends proved successful, therefore, that appointment is to be justified is, I submit, a mere casuistry. I do not want to repeat what I said regarding the working of the department. Everyone in this House who has his vision clear knows perfectly well that there is something rotten in the state of that department. Otherwise, why has the Bengal Government with the Report of the last Retrenchment Committee before it a zealous Finance Member watching the finances of the province? So you think that the Government of Bengal would have sanctioned the appointment of two senior Indian Civil Service officers to look after the department? I submit whatever may be thought of the matter by my friends of this Council who are the friends of officers in the department, and who think they are serving the interest of the country by siding with a particular individual, I submit the department is one which is crying out for reform. Sir, as I have said, I have not had the benefit of getting reports for the last 2 years. But I have tried a little bit in my own humble way to find out if I could not get some figures about the working of these banks during the time of the present incumbent. The latest figures which I could lay my hands on were published in the *Calcutta Gazette* on Thursday, the 17th January, 1935. It contains the financial statement of the provincial and central co-operative banks for the quarter ending 30th September, 1934. That is the latest figure I have been able to lay my hands on. I shall not trouble the Council with a number of figures. I shall simply ask them to bear with me for a minute when I point out that the actual amount of the deposits or debentures maturing in the central banks in 12 months from 1st July, 1934, to 30th June, 1935, would be, quarter to quarter, according to this report Rs. 47 lakhs for the first quarter, Rs. 17 lakhs for the second, Rs. 16 lakhs for the third and Rs. 15 lakhs for the fourth quarter, totalling about a crore of rupees. And then the estimated expected realisations from the societies for the same period, Sir, would be for the first quarter 29 lakhs, second quarter 18 lakhs, third quarter 12 lakhs and fourth quarter 9 lakhs, making a total of Rs. 67 lakhs. That is the state of efficiency to which the present Registrar has brought the department. I did not lay and I have not at any time laid any blame upon the present Registrar especially for having brought the department to this pass. I have not, I can assure my learned friend Mr. B. C. Chatterjee, in my speech if he had listened to it and not given a garbled version of it,——

Mr. B. C. CHATTERJEE: I have read it.

Mr. NARENDRA KUMAR BASU: If he has read it, I am sure he will agree that there was no personal reflection upon the man who had the misfortune of being appointed Registrar at a time when the societies were not working well. I did not say that—because I began by saying that I had not the figures for the period of tenure of the present Registrar before me—that he has brought this department to this pass. But I did say and I still do maintain that on his previous record and on the record of the other officers of the department, it was a very bold thing to appoint him over the heads of so many senior officers as Registrar. If he succeeds in——

(At this stage the hon'ble member reached his time-limit, but was allowed to proceed for five minutes more by the Hon'ble President.)

I shall now deal with some of the remarks made by some of the speakers this afternoon. Rai Bahadur Keshab Chandra Banerji has also been good enough to put some words into my mouth which I never used. He said that according to me supervisors were appointed by Government: I never said that. That part of his argument goes. Then he said the directorate of many of these banks was not composed of the representatives of the debtor societies. Sir, that may be his information, but during the last few days I can assure the House that I have been inundated with figures from all parts of the province and I hold them in my hand, and these figures are supplied by people whom I did not know from Adam, and the figures they have given to me and the facts they have given bear this out completely; particularly in Central Bengal the boards of directors have got majority of representatives of debtor societies—debtors who are unable to pay even the interest. And at least in one place the matter was brought to the notice of the Registrar who in a public meeting said that as soon as he came back to Calcutta he would redress the wrong and make the number even at least. But after his return he has not done that.

Rai Bahadur KESHAB CHANDRA BANERJI: Which bank?

Mr. NARENDRA KUMAR BASU: The Narail Central Bank. If you want names I can give them. Then, Sir, he has been pleased to say that my facts and figures are inaccurate. As I have already said, Rai Bahadur Banerji may have special means for obtaining knowledge and special means for ascertaining facts and figures, but I have none, and I have to go on published materials, and it may be that my figures and facts are not accurate. Whose fault is it that accurate facts and figures after 30th June, 1933, were not supplied to the members of the extended Bengal Legislative Council? That is not my fault.

Sir, Mr. Abul Kasem with his usual eloquence and his hatred of everything relating to College Square and its environments has indulged in a cheap sneer at the imprimatur of College Square. It

is no good policy to foul one's own nest. He had been at least for some time an alumnus of the University: he was a student of the Calcutta University and he has passed his examinations from there, and now he turns back in his hoary old age and says that College Square stands for all that is bad. His argument, Sir, is one of the strangest arguments I have ever heard. He says if Government realise that there is room for reform—and Government have already realised this by the appointment of special officers and have taken steps—what is the use of a committee? My reply to him and to all others who have spoken like him is this: Government have been appointing special officers and taking the advice of special committees in this matter for several years now. Why not take some of the non-officials into their confidence and see whether they cannot give you some better and practical advice? It is no use saying that by the appointment of a committee you will stop all reform, stop all progress: you will do nothing of the sort. The reform or the progress which is adumbrated by these special officers may go on, but at the same time the committee may sit to see whether or not other means can be devised by the people who feel where the shoe pinches, whether other means connot be found by these people to further improve the department. I do feel from the speeches that I have heard that my words are not falling on ears which are open to reason. I am afraid members of the House have already made up their minds that to support this resolution would be to go against the present Registrar and the august Ministry. I submit, Sir, that in my humble way of thinking I do not agree with their point of view. I tried to show to the members of the House that they would be helping the department, helping the people of the country, helping the *raiyat* for whose benefit the department exists and for whose benefit we are here. I submit, Sir, it would be helping the *raiyats* if you agree to this committee, but having regard to the feelings expressed by the speakers here, I do not think I shall be justified in taking up the time of the House by pressing this motion to a division.

The resolution was put and lost.

Maulvi HASSAN ALI: I beg to move that this Council recommends to the Government that immediate steps be taken to appoint agricultural assistants in each thana under the District Agricultural Officers.

Sir, Bengal is an agricultural country out and out. Very often we hear these words from everybody's mouth. But it seems that very few of us realise the significance of them. Our industry, our commerce, our revenue and in fact the whole administration of the country —nay the very life and soul of Bengal—depends on her agriculture and agriculturists. Yet the things have come to such a pass that nobody realises this fact. We speak of the agriculture and agriculturists, we pity them but nobody really thinks of them and their lot.

Ninety per cent. of the population of the province are thus left to themselves without education, without assistance and destitute of proper food and decent clothing.

Sir, civilisation of a nation is to be judged by the conditions of its common people, conditions of its peasants. It is more so in case of Bengal as she is out and out agricultural.

Sir, for the last two decades there has been a cry in this House that we want training in agriculture on modern scientific lines. But the Ministry of Agriculture and for the matter of that the Government have paid no heed to it. In America, in Russia, in England, in France, almost in every country of the world agriculture is going on on scientific methods and with marvellous results. But only in this unfortunate land the condition is otherwise. The plea of Government has always been the want of finance. There is no want of money for other things; but only agriculture must starve. But leaving aside the scientific agriculture for the present, I want to bring home to Government this, that agriculturists are in dire need of active help at this present juncture. There is the failure of rains, there is the flood, there is the failure of crops, there is the failure of price and many other calamities befalling these unfortunate beings and they are not in a position to think what to do. In a word, Sir, the agriculturists of Bengal are in a sad plight, are panic-stricken—they have become quite demoralised. This is the moment when our peasant populace require active, intelligent, expert and practical help and guidance in the matter of tilling, sowing, proper manuring and of substituting in case of failure of certain crops and also selling for proper prices. There is the one solitary District Agricultural Officer. But in a whole district he is no match for these very serious problems of the country. In view of the vastness of the area of the district his activities cannot and as a matter of fact do not reach all parts of the district. In fact, the very existence of the District Agricultural Officer with a small demonstration party is not known in many quarters of the district.

I would, therefore, suggest by my resolution that Agricultural Assistants be appointed in each thana with a suitable demonstration farm in each thana under the District Agricultural Officer to guide the agriculturists in matters of cultivation.

Sir, there are Health Assistants under each Health Officer, and agriculture of the country is no less important than health. I for one therefore see no reason why the Government will not appoint Agricultural Assistants also.

Kazi EMDADUL HOQUE: Sir, I rise to give my whole-hearted support to the resolution moved by my friend Maulvi Hassan Ali. If the Agriculture Department is being maintained by Government for the purpose of giving agricultural facilities to the people at large,

then I think Government will do best to accept the resolution of my friend which is an honest and legitimate demand. Sir, I feel and I think every member of this House living in the outlying part of the province likewise feels that there is a huge waste of public money in the Agriculture Department. We presume so. Our presumption may not be true according to the departmental view, but we cannot but presume it, because we see nothing of the activity of the Agriculture Department in the outlying parts of the province. No improvement work and consequently no benefit is given to the people at all. We find, Sir, that the activity of the Agriculture Department has been chiefly confined to the formation of some agricultural farms in some district towns. But even in those districts where there are agricultural farms, not all the towns in them have been provided with the necessary arrangements for demonstration. In the farms even, there is nothing which can increase the knowledge of the cultivators at large. The demonstration farms have been maintained for a long time past, but what, after all, have they done? They have done nothing to contribute to the welfare of the peasantry. Let us take the case of Rangpur, for instance. An agricultural farm was established at Rangpur. The farm continued in existence for several years. Then after spending a good amount of money, Government were good enough to remove that farm elsewhere on the plea that the climatic conditions of Rangpur were not suitable. Well, if the climatic conditions were not suitable, then why did Government establish the farm there at all? Then after once establishing the farm there, it took Government several years to find out that the climatic conditions were not suitable for the farm! Further, what did they maintain the farm for? Is it to make a show or to justify the existence of the Agriculture Department without any intention to do good to the people—I mean the peasants and cultivators? Of course, it did employ some highly-paid officers to look after that farm, the breeding of cattle, and the producing of grass and things like that, which did not benefit the people in the least.

Then, Sir, the District Agricultural Officer is expected to help the cultivators, but he cannot extend his supposed help to the cultivators in the outlying parts of the district. Even the officers of demonstration in subdivisional headquarters and the like are placed in the same helpless position: they, too, have nothing to do with the cultivators in the outlying parts of the country; hardly any villager in the outlying parts ever see the face of any agricultural officer. It may be that there are exceptions—that one or two District Agricultural Officers occasionally visit places in the interior—but in such cases the majority of places visited are either very near to the railway station or to some easily accessible part of the country. People living in outlying parts of the country are kept in total ignorance of what they do: they do not know whether an Agricultural Department was maintained to impart

to them special and technical knowledge about agriculture. Nothing of the kind, Sir. So, the maintenance of a District Agricultural Officer at the district headquarters is absolutely of no good to the people living in the interior. Then I come to deal with the officers called demonstrators. Sir, I do not know whether all the subdivisions have been favoured with demonstrators; but my own subdivision has been lucky enough to be favoured with one. Now, what does he do there? Since he has not the right to go to the mufassal, he sits tight at his headquarters. And, pray, how can he improve the condition of the people unless he moves about and gives his demonstrations to the people in the interior? The result is that people in the mufassal do not know that there is such an officer at the subdivisional headquarters. How can the cultivators living in the interior of a subdivision know about his existence and activities? How can they manage to have this information about the demonstrator's very existence? So, I submit, Sir, that the people do not get any advantage whatsoever from such an officer at the subdivisional headquarters. I do not say that all the subdivisions have got demonstrators, but those which have been supplied with them do not get full benefit of the knowledge of these officers, if they have any.

We find, Sir, that the District Agricultural Officer remains at the headquarters for the most part of the year and, then, what does he do? He distributes certain varieties of grain, seeds, etc.—he calls them improved varieties—to the cultivators living nearby, but these improved varieties are not available to the cultivators living in the interior. What is the good of maintaining such an officer there? It is a mere farce to keep up an empty show: it is intended to show to the people that Government are doing their level best for the good of the people. Sir, the demonstrator at the subdivisional headquarters, even if he has the mind, cannot go to the interior; for the rule is so rigid that he cannot go to the mufassal without violating it. There is that saying—penny wise, pound foolish. In his case though he is maintained at some cost, he cannot go beyond 5 miles, for in that case travelling allowance will have to be found for him. In the Budget there is no provision for his travelling allowance. His utmost limit of touring being 5 miles from his station, he is debarred from touring further afield and giving demonstrations. He cannot, therefore, make himself known to the people, and unless he makes himself known to the people, how can the villagers derive any benefit from his activities? Now, the question is whether any officer is allowed travelling allowance or not he should be allowed to make his activities known to the people. If this were allowed, he could do some good at least in the way of teaching the cultivators how to raise good crops; but he is not *allowed* to go beyond the 5-mile limit—travelling allowance or no travelling allowance. It is not the question of travelling allowance which stands in his way, but the question of permission; he is not allowed to go beyond

5 miles to make or show any experiments, and unless that is done there is no use keeping such an officer at the subdivisional headquarters So, my suggestion is that if Government cannot mature any plan for want of funds, then, of course, they can concede to this extent that they should allow the officers at the subdivisional headquarters to move about from place to place. He can pick out selected areas and go there, make the necessary experiments, and thus make himself familiar with the needs and wants of the people: in this way, alone, he can make himself known to them: in this way, again, he can go from one part to another and cover the whole town. That is the way in which the people can derive some benefit from him. I would repeat my suggestion. If Government were to allow the demonstrators to go about from place to place and make themselves known, halt at a place for a certain number of days, impart useful knowledge to the people at each centre, and give the necessary instructions regarding the cultivation of particular crops, then some good might accrue to the people; otherwise not. This suggestion of mine is very practicable and not an impossible one. I do not, for a moment, want Government to increase the number of officers that are maintained at present for this purpose. I only want to give their demonstrators the liberty to move extensively and nothing more. If that is not done, then it is no good in simply keeping some seeds for distribution. Unless the cultivators come to know of the value and importance of these seeds, then they will not be purchased. You have kept our people in dark illiteracy. They cannot read anything. They do not keep any information, and so they are not so very inquisitive as to how better knowledge can be derived and from whom better seeds can be had. Besides, Sir, a subdivision covers a large area—a goodly number of square miles—and has also a large population. For example, there are villages in my subdivision which are as far away as 45 miles from the subdivisional headquarters, and there are three rivers intervening in between the two places. Who the devil would care to cross these three rivers and cover such a long distance to reach the subdivisional headquarters to find out whether there are precious kinds of seeds and whether there are precious kinds of crops to be reared. To suggest to the people of such villages to do such a feat is out of the question, because it is an impossible proposition. So, it is only fair and just that the officers in charge of this department should calmly and deliberately consider the points raised by me and also consider the resolution moved by my friend Maulvi Hassan Ali and see what can be done, instead of restricting the activity of the officers from the blue bed to the brown.

With these words, Sir, I support the resolution.

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: Sir, presumably the hon'ble member refers to demonstrators by the description "agricultural assistants," as the demonstrators are the only officers

directly under the District Agricultural Officers, while there are no officers of the designation of "agricultural assistants." I may state that it is the ultimate aim of Government to increase the staff of demonstrators until one such officer has been appointed for each *thana;* but Government are precluded by financial considerations from committing themselves to such a comprehensive scheme at the present moment. There are 600 *thanas* in Bengal excluding those in Calcutta and its suburbs and in the Darjeeling and Chittagong Hill Tracts, and the appointment of one demonstrator for every such *thana* will involve an expenditure of more than three and half lakhs of rupees a year. This is, as the House will recognise, outside the range of practical politics at the present moment. There are, however, at present 100 demonstrators, permanent and temporary, employed in the Agriculture Department.

I would assure my hon'ble friend that subject to funds being available, Government will be prepared to increase the number of demonstrators according to the actual needs and requirements of the department. On this assurance, I hope, my hon'ble friend will be prepared to withdraw his resolution.

Maulvi HASSAN ALI: Sir, in view of the Hon'ble Minister's assurance, I beg leave to withdraw the resolution.

The resolution was then, by leave of the Council, withdrawn.

Mr. ANANDA MOHAN PODDAR: Mr. President, Sir, I beg to move that this Council recommends to the Government that the number of commissioners of the municipalities of Bengal be altered in accordance with the increase or decrease in the population, income, number of voters and commercial and general importance of the municipal areas now under the Bengal Municipal Act, 1932.

Sir, the object of this resolution is to remove the anomaly that exists in the constitution of the municipal boards of Bengal.

Section 8 of the new Bengal Municipal Act enacts that the Government may by notification alter the number of commissioners of a municipality in consideration *inter alia* of the increase or decrease in the population, income, number of voters and commercial and general importance of the place. In the old Act the Government had no such power and the number of commissioners of a municipality could be altered only on the recommendation of the commissioners of the municipality concerned. As there exists a great anomaly in the number of commissioners of the municipalities of Bengal and as there is no principle of standard followed for fixing the number, the House made the above amendment in the hope that the Government would alter the number in accordance with the changed circumstances.

It was reasonably expected that along with the overhauling of the Bengal Municipal Act, and with the power conferred on it, the Government would remove the anomalies of the municipal boards of Bengal; but strangely enough, though almost all the municipalities have been reconstituted under the new Act, the number of commissioners has not been altered in a single case.

Sir, in the August Session, 1933, while moving a resolution for the increment of commissioners of the Narayanganj Municipality, I proved from Government report that there is no principle followed in fixing the number of commissioners of the municipalities of Bengal. I do not like to tax the patience of the House over again by quoting lengthy lists of figures, but I shall put in a nutshell some of the grave irregularities that exist in the municipalities of Bengal.

Sir, in the Presidency of Bengal excluding Calcutta there are 117 municipalities. The number of commissioners varies from 30 in one, 9 in another. What is the principle which determines this variation in number? Is it population? The figures do not show that it is so. Howrah claims the biggest population of 224,873, and there the municipal committee is constituted with 30 commissioners or one for 7,416. Dacca which comes next with 138,518 persons has 21 commissioners, while several municipalities with much less population are favoured with bigger committees. Here are some instances. Population of Darjeeling is 19,903, but it has got 27 commissioners; Berhampur population 27,403, number of commissioners 25; Pabna 21,904, number of commissioners 24; Burdwan population 29,618, number of commissioners 22.

Six municipalities enjoy the privilege of having 21 commissioners each and their population varies from 138,518 to 14,819. These are—Dacca 138,518, Chittagong 53,156, Barisal 35,716, Rajshahi 27,046, Dinajpur 19,156, and Bogra 14,819.

Here is a group with the population varying between 30 and 40 thousand persons, but the number of commissioners varying from 12 to 22. Burdwan population 39,618, commissioners 22; South Suburban 39,499, commissioners 12, Serampore 39,056, commissioners 13, Baranagar 37,050, commissioners 21, Barisal 35,716, commissioners 21, Narayanganj 34,189, commissioners 12, Hooghly-Chinsura 32,634, commissioners 18, Serajganj 32,467, commissioners 18, Midnapore 32,021, commissioners 18, Bankura 31,703, commissioners 15, Comilla 31,365, commissioners 18, Asansol 31,286, commissioners 12, Naihati 31,480, commissioners 18, Bally 30,347, commissioners 15, Kamarhatty 30,334, commissioners 13.

From the above there is no room for doubt that the number of commissioners of the municipalities of Bengal have not been fixed in accordance with the population of the municipalities concerned.

Now, let us see whether the number is fixed according to the incidence of taxation per head of population. The following table does not show that it is so. Incidence of taxation at Darjeeling is Rs. 12-14-10, commissioners 27; Kurseong Rs. 8-11-11, commissioners 9; Howrah Rs. 7-2-½, commissioners 30; Narayanganj Rs. 4-15, commissioners 12; Hooghly-Chinsura Rs. 4-5-7, commissioners 18; Chittagong Rs. 4-5-1, commissioners 21; Burdwan Rs. 4-4-4, commissioners 22; Berhampur Rs. 4-4, commissioners 25; Uttarpara Rs. 4, commissioners 12.

As regards income I need hardly state that the number of commissioners of the different municipalities is never based on it. For we find the municipalities in which there are 12 commissioners, the income varies in the following manner—Dainhat 5 thousand, Katwa 21 thousand, Raniganj 61 thousand, Baidyabati 43 thousand, Uttarpara 46 thousand, Arambag 13 thousand, Taki 6 thousand, Nabadwip 59 thousand, Kurseong 64 thousand, Narayanganj 1 lakh 86 thousand, and so on.

Sir, most of the municipalities of the province have been created half a century back and the number of commissioners had been fixed on the basis of the population and income at that time prevailing. But during this period they have undergone considerable changes mostly for the better. I shall cite only one instance. The Narayanganj Municipal Board was created in the year 1876, just 59 years ago, with 12 commissioners and three wards. This might have been considered just on the basis of the census figure of 1872 which was 11,377. At the end of the last century the population was double that of 1876, viz., 24,472, according to the census figures of 1901. But even then there is no change in the strength of representation. The population went on increasing in the meantime. In 1911 it was 27,876, in 1921 it was 30,602. In the last census it is 34,189. And the income has also gone up big, at least four times by this time. Thus, though the income and population, trade and commerce as well as the general importance of the town have enormously increased, the strength of its representation on the municipal board has not been raised; during the last 5 or 6 years I have on several occasions brought the anomalous position of this particular municipality to the notice of the Hon'ble Minister as well as the Local Self-Government Department, but in spite of promises and assurances, Narayanganj remains exactly where it stood fifty years back. I don't know if it is due to the influence of any outside agency or due to the lethargy of the department that no steps are being taken in this respect. Under the circumstances I would ask the department to take immediate steps for the increment of commissioners of the Narayanganj and other municipalities in which the conditions are similar.

It is argued in some quarters that increment of commissioners would effect the efficiency of the administration. This is far from the truth

and cannot stand a moment's scrutiny. For we find that there are many municipalities with bigger number of commissioners running the administration with more efficiency than those in which the number is comparatively small. I would cite the instances of Darjeeling, Chittagong and Dacca which are being run very efficiently though they have got 27, 21 and 21 commissioners, respectively. On the other hand, we do not find a single instance where the administration is inefficient owing to the number being large.

On this analogy and according to this argument, the number of councillors of the Calcutta Corporation should be reduced from 100 to a dozen only in order to make the administration more efficient. After all, this is only an old tactic on the part of persons who are eager to cling to power that they are unwilling to part with.

This is in short the position of the municipalities of Bengal. The Bengal Municipal Act had been amended by this House in the year 1932 and several important changes have been made therein. One of them is the widening of franchise and the number of voters of every municipality has greatly increased. It is needless to say that the people of Bengal for some reason or other are flocking to the towns and the area, population, income, etc., of the municipalities are rapidly increasing. It is in the fitness of things that along with this the representation on the municipal boards should also be altered. Much credit is no doubt due to the Hon'ble Minister for introducing many important and salutary changes in the municipal administration of this province, and I again appeal to him to make the municipalities more popular by removing the anomalies referred to above.

With these observations, Sir, I commend my motion to the acceptance of the House.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to support the motion of my friend Mr. Ananda Mohan Poddar. I quite agree with him that there is no fixed principle on which the number of commissioners is fixed—the case of my municipality of Bansberia is an instance in point. In my municipality the number of commissioners was 12 when its population was 6,473 and the same number of commissioners when the population has risen to over 14,000 and the income has increased three-fold. When the Hon'ble Minister, Local Self-Government Department, visited Bansberia a year ago, his attention was drawn to this anomaly, and the commissioners also applied for an increase in the number. I do not know the decision of the Government on the point. I think if a general principle of fixing the number is adopted, there would be no grounds for complaint. I hope the Hon'ble Minister will be pleased to accept this motion which is quite reasonable.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, undoubtedly Babu Ananda Mohan Poddar has made out a fairly strong case

in favour of an increase in the number of commissioners of municipalities. I shall refrain from referring to any particular municipality, but shall talk on the general question of increase in the number of commissioners. The mover of the resolution has quoted facts and figures to show that an increase in the number of commissioners is long overdue. Sir, as has been already pointed out by the mover, the mufassal municipalities are growing in importance on account of their extension necessitated by the erosion of some of the principal rivers of Bengal. I say this from my experience of the municipality of Dacca, with the administration of which I was connected for nearly a decade. Babu Ananda Mohan Poddar has quoted the population and the rating strength of the different municipalities in Bengal since 1911 by a reference to the census figures. Sir, it has been the accepted policy of Government to democratise the self-governing institutions in the country and with the growth and development of the democratic institutions the franchise has been lowered and the number of voters considerably increased. In Dacca, for instance, the population has increased to nearly 140,000 in the course of a quarter of a century, but the number of commissioners has practically remained the same since the passing of the Bengal Municipal Act in 1884. The number of members of the Bengal Legislative Council was increased from 51 to 140 after the introduction of the Montagu-Chelmsford Reforms and it is proposed to be further increased to 250 under the new Constitution. On that principle alone the number of commissioners of the various municipalities should be increased having regard to the amount of taxes paid by the ratepayers and the population of the town. I know of some suburban areas, where many people from the mufassal have settled down and formed regular colonies. Those areas which were formerly under union boards have been brought under the jurisdiction of municipalities, the main reason being that the inhabitants of those places prefer to live in the town on account of the manifold advantages which town-life confers on them, namely, better water-supply, better lighting and better conservancy arrangements. I do not, therefore, see why a municipality should not have an increased number of commissioners. I do not wish to detain the House by repeating the same arguments, but shall conclude by drawing attention of the Hon'ble Minister once more to this desirable proposal. Time and again have we discussed the question on the floor of this House, but up till now nothing tangible has resulted from such discussions. It is the considered opinion not only of this House but also of the ratepayers who reside in the different towns in Bengal.

With these observations, I support the resolution.

Mr. J. W. R. STEVENS: The proposal to increase the number of commissioners in mufassal municipalities is against the views of this

group on the grounds given in the latest Administration Report where it is stated "a small compact body of commissioners have worked more efficiently than the generality of municipalities with a large and bulky board of members." My friend Mr. Poddar seems to argue that because a municipality such as Narayanganj is the most efficient in the Dacca Division the commissioners should be increased. This I entirely disagree with. If such a municipality is efficient, is this not a reason why it should not be left alone? To state that the electors of Narayanganj wish an increase in their representatives is not borne out, as at a meeting of the commissioners held in September, 1933, six elected members out of eight voted against an increase, one elected representative being absent. Out of the six who voted against the increase, three were Hindus and three Muhammadans. This is surely proof that it is not the wish of the ratepayers to increase the number of commissioners of the Narayanganj Municipality.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, about a year and a half ago almost a similar resolution was tabled by the mover of the present resolution, and it was discussed at length on the floor of this House. Several issues were raised in that connection. On this occasion the issues are much wider. The proposal is to increase the number of commissioners of all municipalities on the basis of income, number of voters and commercial and general importance of the municipalities. These are exactly the grounds on which Government can under the Bengal Municipal Act increase the number of commissioners of a municipality. Under the new Bengal Municipal Act, as was pointed out by Mr. Poddar, Government can take initiative for increasing the number of commissioners, whereas under the old Act the suggestion should have come from the municipality itself. Sir, though Government have been empowered under the new Act to increase the number of the commissioners on their own initiative, in actual practice they prefer to depend on the proposal of the commissioners themselves and not to take the initiative for increasing the number of seats. In following this policy Government have assumed that if there is a real demand for increase in the number of commissioners, there is no reason why the elected or appointed commissioners of a municipality should not come up to Government with such a proposal. Sir, it is true that there are municipalities, the number of commissioners of which are not in proportion to their commercial importance, or the number of voters or the area, because the seats were fixed long ago. The Bengal Municipal Act was passed in 1884 and some of the municipalities were constituted in the eighties of the last century. Since then of course there were some changes here and there, but generally the number of seats are stationary and that is because the number of commissioners were found to be quite adequate for representing the interest of the ratepayers. Mr. Poddar suggested that Government, though they gave

promises more than once, did not change the number of commissioners and probably they were influenced by outside influences. I would say nothing of the kind. Out of 117 municipalities about 112 have already been reconstituted under the New Bengal Municipal Act. It is, therefore, inconvenient and certainly undesirable to change the number of commissioners after the reconstitution of a municipality. Government have to wait at least till the next general election. Mr. Poddar said that not even in a single case the number of commissioners was increased. I would correct him by saying that in the case of 12 municipalities the number was increased.

Mr. ANANDA MOHAN PODDAR: What was the case of the Narayanganj Municipality?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In the case of Narayanganj Municipality the proposal for increase in the number of commissioners did not come to us before the reconstitution of the municipality. I would remind the hon'ble member that he moved the resolution after the reconstitution, and the assurance that Government gave was that they would be pleased to increase the number after consulting the local officers and the municipality and, so far as I remember —I have not the record with me—the local officers were definitely against such increase and probably also the municipality. So Government had no other alternative but to leave the number of commissioners as they were. (A VOICE: That is why we had ourselves undertook this initiative.) As a general principle Government would certainly stick to their existing policy, namely, not to increase the number of commissioners unless there is a real demand from the municipalities themselves. (A VOICE: If from the public?) The public is represented through the municipality. But if they find in case of any particular municipality the overwhelming necessity of such increase, there is nothing to prevent Government from deviating from this policy and to increase the number of seats in that particular municipality. Government have to be convinced first that there is such a demand and there is overwhelming necessity for increasing the number of commissioners and if convinced, I am sure, the Government will not hesitate to increase the number. But in doing so they will have to take into consideration various questions. Sir, generally the increase in number of seats would entail redistribution of wards, the allocation of reserved seats for the minority community, etc. Government were anxious to afford the ratepayers the earliest opportunity of taking advantage of the amended Bengal Municipal Act and if they had decided to increase the number of seats on the basis suggested by the mover of this resolution, it would have necessitated a postponement, a long postponement, of the general elections under the new Act so that the ratepayers would have been denied the benefits conferred on them by the Legislature for a

considerable time. In these circumstances Government preferred to reconstitute the municipality with the number of commissioners as they were and, as I said, out of 117 municipalities 112 or 113 have already been reconstituted. So that question of increasing the seats is not of much practical importance till shortly before the next general election, though there is nothing to prevent Government from increasing the number of seats on a particular municipality, provided such increase is asked for by the municipality or its ratepayers and Government are convinced of its justification.

I, therefore, request my friend Mr. Ananda Mohan Poddar to withdraw his motion.

The resolution was, by leave of the Council, withdrawn.

Babu KHETTER MOHAN RAY: Sir, with your permission I would like to move this resolution.

Mr. PRESIDENT: As the intending mover of that resolution is absent, I allow you to move it as your own.

Babu KHETTER MOHAN RAY: Sir, I beg to move that this Council recommends to the Government that steps be taken to improve the service conditions of typists and copyists attached to the civil criminal and revenue courts and the registration offices by placing them on a salaried basis, or (in the alternative) by increasing their remuneration, and contribution by Government to the provident fund and by restricting employment.

(At this stage the Hon'ble the President vacated the Chair which was taken by the Deputy President.)

This question of improving the lot of the typists and copyists—a class of hard-working public servants—has been exercising the minds of the Government, the Council and the sufferers ever since 1921. It will be futile at this stage to trace back the history of this agitation which was carried on for a pretty long time before the year 1921. Suffice to say, that in 1928, on a resolution tabled by my hon'ble friend Maulvi Tamizuddin Khan, a full dress debate took place in this Council. The motion of my friend as amended was carried by a large majority of 63 to 17. This motion runs thus:—

"This Council recommends to the Government that the services of copyists and typists employed in the various offices attached to the civil, criminal and revenue courts and registration offices be placed on salaried basis."

During the debate the Hon'ble late Mr. W. D. R. Prentice (as he then was) in charge of the Judicial Department was pleased to announce that the Government and the High Court had already issued orders stating that the establishment should be so regulated that the earnings should not fall below a certain minimum. The circular letter of the High Court on the subject issued on the 23rd June, 1921, states that the standard of earning of the copyists and typists should be raised by reducing their number, the reduction being achieved gradually by making no new appointments until the proposed higher standard is reached. As regards the standard, the letter further says that each copyist should at least earn Rs. 40 a month and each typist Rs. 65 a month and that, if practicable, the maximum of Rs. 60 for copyists and Rs. 80 for typists should be the standard. I am told, since, that time on representations from the copyists and typists, from time to time, the High Court issued circular letters expressing sympathy with the plight of these servants of the Government and urging upon the District Officers to improve their lot. But in spite of the passing of the resolution, in spite of the circular letters of the Government and the High Court, the lot of the copyists and typists remains the same as it was before. The establishment, instead of being reduced, has steadily been augmented, regardless of the consequences of such additions to it to the sufferers concerned. Even in these days of economic distress additions to the establishment are going on as merrily as before in spite of the protests from the typists and copyists.

Whenever an officer's son or relative fails to get any job in the permanent establishment of an office, he is generally appointed in the copying department, because such appointments cost nothing to the Government. The orders of the Government and the High Court alluded to above are honoured more in their breach than in their observance.

These copyists and typists are hard-working servants. Nowadays a large number of them are matriculates and there are some who have passed the Intermediate Examination. In these days it cannot be said that the copyists and typists do not possess the requisite qualifications for Government posts. They are a most useful body of men and earn for the Government a few lakhs of rupees every year, for every two annas earned by them they earn the equal amount for the Government. There are scarcely any other classes of Government servants who earn directly by their labour such a pretty large sum for the Government.

In 1921 a resolution was passed in this Council urging upon the Government to place the services of the copyists and typists on a

salaried basis. The then Hon'ble Member in charge of the Judicial portfolio had to admit that the copyists and typists had made a good case and that it was the intention of the Government to improve their condition when it was possible. Since then, except issuing circular letters alluded to above which were in the nature of pious wishes than any practical steps to improve their lot, no serious efforts have ever been made by the Government to improve the lot of these hard-working and useful servants. It is said that the services of these people cannot be placed on a salaried basis on account of the paucity of funds and also for the reason that the copying department exists solely to supply demands of the public. Both these grounds are untenable. It is quite apparent that if they are placed on a salaried basis, many of them will retire shortly with no pension or with a small pension. In the present condition of the establishment many of them may be absorbed in the permanent staff for which they are qualified. Besides, since 1928 fees for copying documents have been increased from 3 annas to 4 annas per folio. Thus we find that the Government are getting from their labour double the amount as revenue which they used to derive in 1928, or in subsequent years previous to the raising of the copying fees. In these circumstances it will be futile to say that the Government have not sufficient funds to include them in the permanent staff of the office, nor can it be said that these men do not possess necessary qualifications to hold Government posts for, as pointed out, there are many matriculates amongst them.

They are a most dissatisfied class of people with earnings gradually diminishing and having no future prospects. The High Court has circularised the other day that they must retire at the age of 60, though capable of working. Everybody knows that our country has been passing through dire economic distress. The copyists and typists who are paid on piece-work system have been badly affected by the economic depression and their earnings have been much reduced. I have on enquiries ascertained that the average earnings of a typist would now amount to about Rs. 30 to Rs. 35 and those of the copyists are about Rs. 20 to Rs. 22, and there is likelihood of their earnings being dwindled as the number of the suits and cases annually instituted are gradually on the decrease; while all other classes of Government servants are going on as merrily as ever with their salaries uncut, perhaps they are better off now than before the economic depression overtook the country, because the prices of articles of every-day consumption have greatly decreased, this body of useful and hard-working people find themselves unable to make their two ends meet and are eking out their miserable existence with the prospect of their earnings further falling off! Sir, you can well imagine the miserable plight in which they have been placed. I think the Government should lose no time to place their services on a salaried basis though it may involve—

and I hope it will not—a little extra expenditure. These copyists and typists not only do the copying for the public but also they do copying work of the Government free of cost and very often they are employed to do other works of the offices. They are not given any share in the extra fees charged as expedition fees. An expedition fee is paid only when the applicant wants a certain work not only out of its turn but also to be delivered within a limited time, that is to say, within a day. It is said that in case of expedition copies there is no extra rush on the typists and copyists. I differ entirely from this view for copies must be supplied within a day or at the utmost on the following day. Otherwise, nobody would pay extraordinary fee for copies which may be supplied after 4 or 5 days in the usual course. The copying of the documents on expedition fees involves much more labour and attention than the ordinary copies. Why then these people who put forth extra energy and attention for doing an expedition copy on extra fee should not share with the Government the extra fee realised? It is common justice and fair play that they should be given a share in the extra fee thus realised.

Now, Sir, I come to the provident fund benefits conferred on them. I have recently ascertained on enquiries that the copyists and typists contribute one anna whereas the Government contribute 6 pies on each rupee they earn. It is not a fact that Government have been contributing one anna as given out by the then Hon'ble Member during the discussion. I do not see any reason why the Government should not contribute an equal amount to the provident fund Government must remember that this class of poor servants are earning, by the sweat of their brow, a few lakhs of rupees every year: the Government should not grudge this small benefit being granted to them. They work throughout the day from morning to evening in order to earn their livelihood; they do not enjoy any leave or pension.

I appeal to the Government to take pity on them and improve their lot by placing their services on a salaried basis or if the Government are at present unwilling to follow this course, they can improve their position by reducing the establishment, by granting a share in the expedition fee, by contributing an equal amount to their provident fund and also by promoting those of the typists and copyists with necessary qualifications to the permanent staff of the offices to which they are attached.

Maulvi SYED MAJID BAKSH: I beg to support the motion moved by my friend Babu Khetter Mohan Ray. I have previous to this on more occasions than one put questions to this effect and have been told by the Hon'ble Law Member that he is perfectly willing to increase

the remuneration of these typists and copyists provided the Finance Department agree to this. This matter has been before the public, before this House and before the Government for a pretty long time—I think some 7 or 8 years. It has been decided or it was on a fair way to being decided by Government that their remuneration should be increased. With that view Government raised the copying fee. Formerly it was two annas, now it is three annas—one anna to go to Government and two annas to the copyist. We are sometimes needed to remind old things lest they are forgotten. Government in order to increase the remuneration of these copyists and typists—with the declared purpose to increase the remuneration—increased the fee by one anna on folio. It was expressly said that this one anna will be granted to the copyists. But far from it. When Government got possession of the money they forgot entirely why the amount was increased and instead of granting this one anna to the poor typists and copyists for whose benefit the fee was increased, they have taken it themselves. I think Government have no right to this one anna. If they have any mind to increase the remuneration of these poorly-paid clerks, let them have this one anna. If they have no mind to do this, I will ask the Hon'ble Member and the Judicial Department to decrease the price of folios by one anna because they have no right to have this extra one anna: either they must decrease it or give it to the poor copyists and typists. I, therefore, submit that it is high time that Government and the Hon'ble Member in charge of Finance Department should go into the genesis of this increase of one anna and see if they ought not to give this to the copyists and typists. I support this motion and hope that Government will give this extra one anna to the copyists and typists or remit the amount to the taxpayers.

Rai Bahadur AKSHOY KUMAR SEN: Sir, I wholeheartedly support the resolution of my friend Babu Khetter Mohan Ray. The argument has been advanced by my friend Mr. Majid Baksh that there has been an increase of one anna in the price of a folio for the purpose of remunerating these ministerial officers—I call them officers because they are directly under the same sort of control of the head of the ministerial staff, that is the Sheristadar, as others are, and if that is a fact, of which I was not aware, I do not see any reason why Government should not keep their word, and should not give them by way of contribution to their provident fund a certain share of the money derived from this increased price of a folio. If the price of a folio was increased with this end in view, then my point is: Why should Government hold back that amount without crediting it to the fund of these poor people who have been working hard day and night and labouring under various sorts of difficulties? Although they are styled as clerks or copyists of the Judges' Offices, Revenue Courts or Magistrates' Offices, yet they do

not get any contribution from Government towards their provident fund. Sir, the humble manner in which this resolution has been couched is that Government should be pleased to put these men on a salaried basis or in the alternative increase their remuneration and contribution by Government to the provident fund or restrict their employment. Sir, Government can restrict the employment of copyists and typists by ordering that surreptitious copies be not taken out by parties thereby hampering their legitimate income. I do not think that Government should hold back this increase in the price of folio and not spend it for the benefit of these men, if that was the original intention. So I submit Government should consider all these things and come to their rescue. With these remarks I wholeheartedly support the resolution.

Maulvi ABUL QUASEM: Mr. Deputy President, Sir, I rise to give my support to the resolution. I do not know if Government will find their way to accept the resolution as it has been framed, but I do wish to submit that the typists and copyists attached to the civil, criminal and revenue courts are suffering real distress. Sir, the salaried servants of Government have a graded pay; as years go on, their remuneration goes on increasing, but these typists and copyists have their remuneration fixed; for the typists it is Rs. 65 and for the copyists it is Rs. 40 per month; that is the minimum fixed as their remuneration. But, as a matter of fact, these people—I mean the copyists—are now receiving on an average not more than Rs. 20 per month. I advisedly use the word "Rs. 20" because in answer to an unstarred question (No. 4) put in this Council by Dr. Jogendra Chandra Chaudhuri and answered on the 13th February, 1935 (*vide* Volume No. XLV, No. 1), it was stated that the average earning of the copyists was Rs. 20 and of the typists Rs. 32. Well, this is the average given by the Government, but I may tell the House that even this figure is not reached in all places. In my own subdivision of Satkhira in the Khulna district, for instance, the average does not reach even Rs. 16 to Rs. 18 per month and some of the copyists make a voluntary contribution to the provident fund. When at the end of the month they find that their bills do not even reach the figure of Rs. 15 or Rs. 16, the look of misery in their faces is simply indescribable. Sir, Government restored only the other day the 5 per cent. cut in the salaries of their permanent employees. Here are some people who are earning revenue for Government and they are suffering real distress, but their grievances are not heeded. Some of them have large families to maintain and in these days of unprecedented economic distress they are hard put to it to make both ends meet. I do most humbly submit that they are not even getting what is called a living wage. Sir, the following question was asked in this Council by

my friend Maulvi Syed Majid Baksh and answered on the 20th December, 1934—starred question No. 51, reported in Volume XLIV, No. 1, of the Council Proceedings:—

"51. (*b*) Is it not a fact that Government increased the price of a folio to the standard prescribed by the High Court in their General Letter No. 8 of 1921?

(*c*) Are Government considering the desirability of increasing the remuneration of these officers to three annas instead of two annas per folio?"

The answer with regard to (*b*) and (*c*) was given by the Hon'ble Sir John Woodhead and in both cases it was "yes," that is to say, the matter referred to in (*c*) was under consideration. I put certain supplementary questions with regard to answer 51 (*c*); one was: "When are Government likely to come to a decision on the question?" The Hon'ble Sir John Woodhead replied: "As soon as possible." Then, again, with reference to the question put by Dr. Jogendra Chandra Chaudhuri, which I have already mentioned, in reply to a supplementary question of mine on the very same lines as above, the Hon'ble Sir B. L. Mitter did not really try to answer the question because probably he did not know the answer given by Sir John Woodhead to the question put by Mr. Majid Baksh in December last year. I do submit that Government admit that the average income of these copyists does not exceed Rs. 20 and in some cases their remuneration does not come to more than Rs. 16 or Rs. 18. As I have already said and I repeat, these men have got large families to maintain and other liabilities to meet. I appeal to the Government to do something for these people at least for pity's sake. I do not say or suggest of course that Government should actually carry out wholesale the terms of the resolution of the mover, but I request them to do something which will give them at least a living wage. Sir, I myself have given notice of a similar resolution and would like to direct attention of the Government to it, namely, No. 21, in which I have suggested that the copyists of civil courts be remunerated at the rate of three annas per folio. As a matter of fact, the Government have declared on the floor of this House that this matter was under consideration and that they would come to a decision on the question as soon as possible. But, Sir, nothing has so far been done. These people are silently suffering miseries which are really acute. I do submit, therefore, that, in whatever way possible, Government should devise some means to come to the rescue of these people who, I need hardly repeat, are suffering real misery, destitution and possibly starvation. They are rendering useful service to Government. Many of them have now arrived at an age when they cannot seek employment elsewhere; so Government should not be hard-hearted towards them. I do make a personal

appeal to the Hon'ble Sir B. L. Mitter, who I know has a soft heart, and I hope and trust that he will do his utmost to get Government to agree to give some relief to these people, whether of a temporary or a permanent nature, whichever might be possible. With these words I support the resolution.

Maulvi RAJIB UDDIN TARAFDER spoke in Bengali: The following is an English translation of his speech.

I beg to extend my whole-hearted support to this resolution because I find there is no other class of Government officers who are so miserable as these typists and copyists are. These typists and copyists have got no leave, no pension and nothing of the kind although they are Government servants and have to work hard from morning till evening with no less responsibility on their heads. I am really pained to say that the holidays are positive bug-bear on the part of the typists and the copyists. They are not entitled to get a farthing during the period when offices are closed which extended over three months or so in a year. Besides that, the income of these people during sickness is blank. During simple sickness they attend office for fearing of starvation with whole family. They work hard during sickness and die soon and when they die, they leave their family quite destitute.

In this connection I beg to mention that there was a time when Sub-Registrars had to be paid by fees, Nazir's remuneration was similarly paid, but they have received consideration, while the hard lot of the poor typists and copyists remain unchanged. Their Lordships the Hon'ble Judges of the Calcutta High Court are very sympathetic to the case of these poor copyists and typists as will appear from the Registrar's General Letter No. 8, dated the 23rd June, 1931; resolutions after resolutions are passing in this Council since the year 1921 for placing these typists and copyists on a salaried basis and Government also admit that they have a good case, but unfortunately nothing substantial has been done for them as yet. Under these circumstances, I am particularly at a loss to account for the justification of the sudden issue of General Letter No. 11, dated the 12th April, 1935, asking the typists and copyists to retire at the completion of the age of 60 years without making any provision for them after retirement.

Upon these grounds I cannot but lend my whole-hearted support to the resolution and appeal to the House to give unanimous support to it for the sake of justice.

The Hon'ble Sir BROJENDRA LAL MITTER: I have considerable sympathy with the object of the resolution. The copyists and typists

of the civil and criminal courts form a devoted band of public servants whose remuneration is in many cases not adequate to the labour which they bestow on their work. The policy of Government has for a long time been to work up to the remuneration of Rs. 40 in the case of copyists and Rs. 65 in the case of typists. In some cases, not in all, this limit has not been reached. The remuneration we have been aiming at is difficult to achieve partly because of the very large number of people employed. In order to meet that situation we recommended to the High Court, that no new appointment should be made to fill up vacancies until the prescribed standard was reached. Further, the High Court has recently made an order to the effect that the rule of retirement at 60 should apply to all copyists and typists now in service. These two steps—that is the stoppage of further recruitment and compulsory retirement at 60—should go some way to reach the standard we have in view. As regards provident fund Government contribute nearly 5 per cent., or 4 11/16th per cent. to be exact, of a subscriber's emoluments, which of course carries the usual interest. No doubt, if Government increase this contribution, that will go to some extent in relieving the lot of these men; but then the provident fund will not be available to them now, so that no immediate relief can come merely by raising Government's share of contribution. Sir, here I want to correct a mistake that was made by several speakers that the increase of one anna per folio was made in order to remunerate the copyists and typists. That is not so.

Maulvi SYED MAJID BAKSH: That is the answer given by the Hon'ble Finance Member.

The Hon'ble Sir BROJENDRA LAL MITTER: No, that was not the answer. The increase was made for the benefit of the general revenues and not for payment to the copyists and typists. It was to enable the Government to contribute out of the general revenues their quota to the provident fund that this increase was made.

As regards placing these men on a salaried basis, a calculation was made and it was found that it would involve an expenditure of Rs. 5,30,000 a year, which in the present condition of our finances is not a practical proposition. But in so far as the other suggestions that have been made during the course of the debate to-day are concerned, I have made a note of them, that is to say, expedition fees, the suggestion for a possible increase of Government contribution to the provident fund, and limiting the number of these officers in particular districts. These suggestions will receive careful consideration and if it be possible to give relief we shall certainly make an attempt to do

so. All that I can now say is that in the present financial condition of the province it is impossible to give any hope of any large expenditure on this head, but if within reasonable bounds it be possible to give relief to these men, I shall do my best to secure it.

In view of the assurance that I am giving, namely, that I shall take up the matter and see that every possible step is taken to meet the grievances, I hope the mover will see his way to withdraw his resolution.

Babu KHETTER MOHAN RAY: In view of this assurance, I beg leave of the Council to withdraw my resolution.

The resolution was then, by leave of the Council, withdrawn.

Mr. DEPUTY PRESIDENT: Order, order. The Council now stands adjourned till 3 p.m. on the 22nd August.

Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 22nd August, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 22nd August, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 96 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Ulipur Bandar in Cossimbazar Raj Wards Estate in Rangpur.

*61. **Kazi EMDADUL HOQUE:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that the Ulipur *bandar* close to the principal *cutchery* of the Cossimbazar Raj Estate in police-station Ulipur, Rangpur, under the administration of the Court of Wards is an important *bandar* with considerable income to the estate;

(*ii*) that the aforesaid *bandar* is in a very insanitary condition hedged in with insanitary ditches, *khals*, *dobas* which form breeding grounds of anopheles mosquitoes; and

(*iii*) that there is no arrangement for drinking water in the aforesaid *bandar* under the management of the Court of Wards?

(*b*) Are the Government considering the desirability of redressing the aforesaid grievances?

(*c*) Is the Hon'ble Member aware that two *hats* a week and a daily *bazar* are held in the *bandar* regularly?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) Yes.

(*ii*) No. There is, however, an old tank to the north and a ditch to the south of the *bandar* along the District Board Road. The question of improvement of the tank and of the filling up of the ditch, which involves heavy expenditure, is under the consideration of the estate authorities.

(*iii*) No. There are three wells and one tube-well and the sinking of another well is under consideration.

(*b*) Does not arise.

(*c*) Yes.

Kazi EMDADUL HOQUE: With reference to answer (*a*) (*iii*), will the Hon'ble Member be pleased to state whether the three wells mentioned there are masonry wells or *kutcha* wells?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state whether the three wells and the one tube-well are the property of private individuals or of the court of wards?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice.

Political prisoners in the Andamans.

***62. Dr. AMULYA RATAN GHOSE:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) what is the number of political prisoners in the Andamans from Bengal at present;

(*b*) whether any deaths have occurred amongst such prisoners; and

(*c*) how often the friends and relatives of the prisoners are allowed to interview the latter?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) There are at present 240 prisoners in the Andamans from Bengal, who have been convicted of offences connected with terrorism.

(*b*) Yes, two in May, 1933.

(*c*) Once in three months.

Rai Bahadur SATYENDRA KUMAR DAS: What were the causes of the two deaths in May, 1933?

The Hon'ble Mr. R. N. REID: I ask for notice of that question.

Settlement operation in Midnapore.

*63. **Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) whether it is a fact that the settlement operation which is now going on in the district of Midnapore was originally undertaken for the purposes of settling rents in the *khas mahal* areas of the district under Part II, Chapter X of the Bengal Tenancy Act; and

(*ii*) whether, during the continuance of such operation in the aforesaid areas, the Government has ordered the survey of the villages of permanently-settled estates lying in the neighbourhood of *khas mahal* areas?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, what was the occasion or necessity for doing so and who shall be made to pay the costs of the survey of the villages of the permanently-settled estates?

(*c*) Is it in the contemplation of Government to levy any portion of the cost of survey of the said villages upon the tenants and *zemindars* of these villages? If so, under what authority?

(*d*) Will the Hon'ble Member be pleased to state—

(*i*) whether in ordering the survey of the lands in *khas mahal* areas the Government have considered the expediency or desirability of settling the rents of every class of tenants in the *khas mahal* areas of the Midnapore district after fully considering the present economic crisis of the country resulting in heavy fall in the prices of the agricultural crops; and

(*ii*) whether it is a fact that the Revenue Officer appointed for the purposes of settling rents of the tenants of the aforesaid areas has prepared and published a table of rates in the local areas proposing enhancement of three annas in the rupee in the case of the occupancy *raiyats* and different kinds of enhancement in the case of other classes of holdings?

(*e*) If the answer to (*d*) (*ii*) is in the affirmative, on what basis or materials did the Revenue Officer proceed to propose a table of rates for enhancement of rents payable in respect of different kinds of lands?

(*f*) Is the Hon'ble Member aware of a feeling of great panic amongst the people in the locality owing to the aforesaid table of rates having been published in the said area?

(*g*) Are the Government considering the desirability of stopping settlement of rents of tenants of every class and suspending the proposed enhancement of rents of all classes of tenants of the aforesaid area till the economic crisis is over and the prices of the agricultural crops reach their former level?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Yes. The resettlement was due in 1931.

(*ii*) Government have only added the areas covered by *nisfis*, *sadar mahals* and *bahalis* which are surrounded by the *khas mahals* under the operation.

(*b*) There were innumerable discrepancies in the boundaries with attendant disputes. To settle these and correct the maps and records these areas which are inextricably mixed up with the *khas mahals* were included in the operation.

(*c*) Yes, from the proprietors, tenure-holders and other tenants in *bahalis*, *sadar mahals* and *nisfis* under section 114, Bengal Tenancy Act.

(*d*) (*i*) Yes.

(*ii*) No "table of rates" has been prepared as the enhancement proposed is under section 32, Bengal Tenancy Act. The original proposal to enhance by 3 annas per rupee has been reduced to 2 annas 6 pies in some areas and 1 anna 6 pies in other areas according to the advantages of the particular localities.

(*e*) By a comparison of the price of staple food crops in the two decennial periods (*a*) prior to the last settlement and (*b*) prior to the present operation, as required by section 32, Bengal Tenancy Act.

(*f*) Government are not aware of any feeling of panic among the people of the locality.

(*g*) No, as prices are already rising.

Malaria in West Bengal.

***84. Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that owing to the obstruction of the waterways, West Bengal, which was formerly a healthy place, has become very malarious; and

(ii) that the deterioration of agriculture due to the deterioration of waterways and the deterioration of the health of labour, has brought in deterioration in the financial condition of the people who mainly depend on the land for their livelihood?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what steps, if any, have the Government taken or been contemplating to take for the improvement of West Bengal;

(*ii*) what is the amount of quinine that the Government has released for free distribution in the province in 1935; and

(*iii*) what amount of the quinine sanctioned by Government for free distribution has been allotted to the districts of Hooghly, Burdwan, Bankura, Birbhum and Midnapore, respectively?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Experts are inclined to take the view that there is a close relation between the incidence of malaria and obstruction of waterways in Western Bengal.

(*ii*) Deterioration of agriculture in this area cannot be attributed directly to any deterioration in the waterways, though it is a fact that the increase in malaria has affected the health of agriculturists. Government do not subscribe to the view that the financial condition of the people dependent on agriculture in Western Bengal has permanently deteriorated. The present economic distress is due to the fall in the price of agricultural produce.

(*b*) (*i*) The attention of the member is invited to the Rural Development Commissioner's note of March, 1935, which was circulated to members of the Council in connection with the Bengal Development Bill, 1935. The note refers to certain schemes which it may be possible to take up under the provisions of the Bill for the improvement of decadent areas in Western Bengal.

A contour survey has already been undertaken by Government with a view to prepare flushing schemes in the area between the Damodar and the Hooghly.

(*ii*) Rupees 1,20,000 was allotted for free distribution of quinine in 1934-35; a sum of Rs. 1,80,000 has been provided in the current year's budget for the same purpose, and allotments will be made as soon as definite proposals from the Director of Public Health are received.

(*iii*) A statement showing the allotments made to the five districts mentioned in 1934-35, is laid on the table.

Statement referred to in the reply to clause (b)(iii) of starred question No. 64.

	Quinine in pounds.	Cinchona in pounds.	Total cost. Rs.	A.
Hooghly	... 170	215	5,238	11
Burdwan	... 333	276	8,236	0
Bankura	... 69	110½	2,270	8
Birbhum	... 46½	126½	2,147	12
Midnapore	... 256	118	5,624	7

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state, in view of the statement that Bankura has got the least amount of quinine for free distribution, if the incidence of malaria in that district is the lowest in West Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It may not be so, Sir. Distribution of quinine is made on the amount spent by a district board on quinine.

Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Minister be pleased to state whether Government agrees with the views expressed by the experts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government must be guided by their experts in matters like these.

Flood in Kurigram.

***65. Kazi EMDADUL HOQUE:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the entire area of police-station Rahumari and portions of the riparian areas in other police-stations of Kurigram have been inundated?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) what is the extent of the affected areas; and

(*ii*) what is the extent of damages done to the crops in these areas giving the figures against the name of each thana individually?

(c) What sort of relief, if any, have the Government rendered to the afflicted people up till now?

(d) What sort of relief do the Government propose giving to the affected people in the near future?

(e) Will the Hon'ble Member be pleased to state—

(i) when the flood commenced;

(ii) when was the police report obtained for the first time by the executive officers of the locality; and

(iii) whether any responsible officer has visited the areas since then?

The Hon'ble Sir BROJENDRA LAL MITTER: (a) Yes.

(b) A statement is laid on the table.

(c) Government have sanctioned a grant of Rs. 50,000 for distribution as agricultural loans in the district and out of this amount the Collector has allotted Rs. 10,000 to the Kurigram subdivision.

(d) At present no further relief seems necessary. The *aus* crop has not totally failed and the prospects of *amon* crop are fair. The situation is being closely watched by the local officers and Government will give full consideration to any recommendation for further relief received from them.

(e)(i) The flood commenced in June, 1935.

(ii) In the same month.

(iii) Yes. The affected areas have been visited by three Sub-Deputy Collectors and an Inspector of Co-operative Societies. The Subdivisional Officer has also visited the affected areas in police-station Ulipur.

Statement referred to in the answer to starred question No. 65(b).

(i) An area of about 140 square miles is affected.

(ii) The extent of damage done to crops is as follows:—

Rahumari thana—6 annas.

Ulipur thana—4 annas.

Kurigram thana—4 annas.

Nageswari thana—4 annas.

Chilmari thana—4 annas.

Kazi EMDADUL HOQUE: In view of the fact that there has been a failure of *aus* crop, as mentioned in answer (*d*), will the Government be pleased to state whether the report of the damage done in statement (*ii*) is correct?

The Hon'ble Sir BROJENDRA LAL MITTER: In the statement, the damage done to crops is stated, and not that to the *aus* crop.

Kazi EMDADUL HOQUE: Is the Hon'ble Member aware that on account of want of rains at the right time, transplantation of *aman* crop could not be done properly?

The Hon'ble Sir BROJENDRA LAL MITTER: Transplantation was impeded to a certain extent, but not prevented.

Kazi EMDADUL HOQUE: With reference to answer (*e*) (*iii*), will the Hon'ble Member be pleased to state when the officers mentioned visited the locality?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice.

Retirement of Mr. B. K. Sen, M.A., I.E.S.

***66. Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that Government orders for the compulsory premature retirement of Mr. B. K. Sen, M.A., I.E.S., Officiating Principal, Dacca Intermediate College, have been issued?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state under what regulations this procedure has been adopted?

(*c*) What are the reasons for which Government have thought fit to compel him to retire seven years before normal age of superannuation?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the reasons for which such a step has been taken against this gentleman were communicated to him; and

(*ii*) whether he was given an opportunity to defend himself before the decision to retire him was taken by Government?

(*e*) If action against him has been taken under article 465-A, Note I of the Civil Service Regulations, will the Hon'ble Minister be pleased to state what public interest has been served by his compulsory premature retirement?

(*f*) Will the Hon'ble Minister be pleased to state whether the Governing Body of the College was consulted before action was taken against him?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) and (*b*) Government have issued orders for his retirement in exercise of their discretion under article 465-A of the Civil Service Regulations.

(*c*) It was considered in the public interest that he should retire.

(*d*)(*i*) He was informed generally of the reasons.

(*ii*) He was given an opportunity of representing his case against retirement.

(*e*) Government are not prepared to give their reasons in any detail.

(*f*) The Governing Body were not consulted.

Babu JITENDRALAL BANNERJEE: Is it a fact that this gentleman, Mr. B. K. Sen, has been officiating in the Indian Educational Service for the last 14 years?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Yes, he was officiating for a pretty long period.

Babu JITENDRALAL BANNERJEE: Is it not a fact that gentlemen with exceptionally high qualifications are promoted from the Bengal Educational Service to the Indian Educational Service?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Not always, Sir.

Babu JITENDRALAL BANNERJEE: Are they sometimes promoted on account of their inefficiency?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It was not a question of promotion. It was the question of making an officiating arrangement. This depends on the exigency of the case, and merit is not the point for consideration.

Babu JITENDRALAL BANNERJEE: Is it a fact that he has been officiating for more than 12 years?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Yes.

Babu JITENDRALAL BANNERJEE: Was his efficiency or competency ever questioned?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I consider that in the interest of the gentleman himself these questions should not be put.

Babu JITENDRALAL BANNERJEE: Sir, we are very thankful to the Hon'ble Minister for his solicitude for the gentleman, but in the interest of the public service, I put these questions, and he is bound to answer. During this period of 12 years during which he had been officiating in the Indian Educational Service, was his efficiency and power of maintaining discipline or his competency generally questioned by the department?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, the question did not arise at all, because the whole question of the officiating arrangement was a mere accident. The question of filling the post in the new scale of Bengal Educational Service was not dealt with, and the gentleman stepped into a vacancy caused by the death of a permanent incumbent in the Indian Educational Service. The arrangement was a purely temporary one, and subsequently the question of a permanent arrangement arose.

Babu JITENDRALAL BANNERJEE: Is it possible that he was permitted to officiate unless he had been found competent for the job?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: In making officiating and temporary arrangements, the main consideration is to see that the other arrangements are not disturbed. The question of competency did not arise.

Babu JITENDRALAL BANNERJEE: Are we to suppose, Sir, that during these 12 years, Government had no leisure to enquire into the question of competency or otherwise of this gentleman?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The question of competency was not the point for consideration. The question was to make the appointment subsequently in the new grade of the Provincial Higher Service.

Babu JITENDRALAL BANNERJEE: With reference to (*d*) (*i*), will the Hon'ble Minister tell us whether the gentleman was ever informed of the specific charges made against him?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The question of specific charges did not arise in this case.

Babu JITENDRALAL BANNERJEE: Are we to suppose that there were no specific charges against this gentleman?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The question was taken up as to whether this man should be promoted to grade I or not, and Government came to a certain decision in accordance with the rules by which they are entitled to retire an officer after a certain period of service, and Government exercised the power they had under the rules.

Babu JITENDRALAL BANNERJEE: Who is the President of the Governing Body?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The Commissioner of the Division.

Babu JITENDRALAL BANNERJEE: Was the Commissioner of the Division in his capacity as the President of the Governing Body and individually consulted as regards the experience and competency of this gentleman?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: These questions are never brought before the notice of the Commissioners.

Babu JITENDRALAL BANNERJEE: The Hon'ble Minister purposely misunderstands my question. I ask him whether the Commissioner in his capacity as the President of the Governing Body and individually was consulted?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have already answered the question, Sir, and it is not my fault if my friend deliberately misunderstood me. Presidents of Governing Bodies are never consulted in such matters.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Minister be pleased to state how many such officiating appointments still exist?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I ask for notice of the question.

Sanitarium for tuberculous patients.

*67. **Mr. S. M. BOSE:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(i) what progress has been made in the establishment of a sanitarium for tuberculous patients at Kalimpong;

(*ii*) whether such a proposal involved any danger to the inhabitants of Kalimpong;

(*iii*) whether Kalimpong is a suitable place for the establishment of such a sanitarium; and

(*iv*) whether expert medical opinion has been or is being obtained as to the suitability of Kalimpong for such a sanitarium?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) The proposal for the establishment of a sanitarium for tuberculous patients at Kalimpong has been examined by an informal committee composed of medical men. The report of the committee has been received and is under the consideration of Government.

(*ii*) The opinion of experts is that the danger to the health of Kalimpong involved in the proposal can be averted without much difficulty.

(*iii*) It is the opinion of the committee that Kalimpong satisfies all the requirements for a sanitarium for tuberculous patients.

(*iv*) Further expert medical opinion on the various aspects of the proposal is being obtained.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Western Films.

36. SETH HUNUMAN PROSAD PODDAR: (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that there is a strong agitation in Calcutta against the exhibition of some of the Western films which have indecent actions and speeches interposed; and

(*ii*) that there are films which are indecent in parts only and not throughout?

(*b*) Have the Government considered the question of the demoralising effect of the exhibition of such indecent films on the public taste and on the thousands of young persons of both the sexes who frequent the cinema houses?

(*c*) Are the Government considering the desirability of issuing instructions to the Board of Censors to be more strict in regard to the granting of permission to the Western films?

The Hon'ble Mr. R. N. REID: (*a*) (*i*) Government are not aware of any strong agitation on the subject.

(*a*) Yes, but the indecent parts are drastically cut before certification by the Board of Film Censors.

(*b*) Yes.

(*c*) Government have no reason to be dissatisfied with the standard of censorship applied by the Board.

Rai Bahadur RAM DEV CHOKHANY: What is the criterion of Government that an agitation is a "strong agitation"?

The Hon'ble Mr. R. N. REID: I think that is a question of which I should require a notice.

Rai Bahadur RAM DEV CHOKHANY: Is the Government aware that a public meeting was held under the presidency of the Lord Bishop of Calcutta which was duly reported in the *Amrita Bazar Patrika* and others?

The Hon'ble Mr. R. N. REID: The Hon'ble Member has not informed us what was the subject of the largely-attended meeting.

Maulvi SYED MAJID BAKSH: Did not the Intelligence Officers of Government report the proceedings of the meeting?

The Hon'ble Mr. R. N. REID: No, Sir; not of a meeting at which the Bishop was present.

Muslims in Court of Wards Estates.

37. Khan Bahadur Maulvi HASHEM ALI KHAN: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the present—

(*i*) the number of estates under the management of the Court of Wards in Bengal; and

(*ii*) the percentage of the Muslim employees therein as compared with those of the other communities?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) and (*ii*) The member is referred to the answer given to starred question No. 40 asked by Maulvi Syed Osman Haidar Chaudhuri during the present session.

38. Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the present number of estates in Bengal under the management of the Court of Wards; and

(*ii*) the percentage of the Muslim employees therein as compared with other communities?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) and (*ii*) The member is referred to the answer given to starred question No. 40 asked by Maulvi Syed Osman Haidar Chaudhuri during the present session.

39. Maulvi MUHAMMAD HOSSAIN: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the present—

(*i*) the number of estates under the management of the Court of Wards in Bengal; and

(*ii*) the percentage of the Muslim employees therein as compared with those of the other communities?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) and (*ii*) The member is referred to the answer given to starred question No. 40 asked by Maulvi Syed Osman Haidar Chaudhuri during the present session.

SPECIAL MOTION ON THE GRANT FOR RURAL UPLIFT.

(Discussion on the special motion was resumed.)

Babu JITENDRALAL BANNERJEE: Sir, I beg to move by way of amendment that—

(*i*) after the words "recommends to the Government that" the following words be inserted, namely:—

"instead of frittering away the money available for the purpose upon a dozen schemes of varying degrees of utility," and

(iii) all words after the words "schemes of rural uplift" be omitted and in their place the following be substituted, namely:—

"be distributed among the different districts of the province upon a combined basis of area, population and local needs, and that the sum allotted to each district be devoted exclusively to some one or at most some two of the crying needs of the locality for rural uplift, the said needs to be determined by the Government in consultation with the local self-governing bodies of the district."

Sir, it will be quite evident that this amendment has not been couched in a petty and factious spirit of opposition or criticism for the mere sake of opposition and criticism. I offer to the Government an alternative basis for distribution. If it is found on mature consideration that this alternative suggestion is unacceptable, I shall not be hurt if the amendment is rejected; on the other hand, if, after discussion, it is found that the proposals of the Government are not quite so acceptable as my amendment, then, I hope, Government will not be hurt, if their resolution is rejected.

Sir, this problem of rural uplift is so large, so many-sided, and also of such immediate and urgent concern to all of us that in this matter, Government and the House may well pool their resources together, and devote themselves to a searching and dispassionate examination of the problem, and it is for the purpose of starting such a searching and dispassionate examination that I beg to move this amendment to-day.

Sir, the whole problem can be put in a nutshell. The Legislative Assembly has voted for the Government of India a sum of one crore of rupees. The Government of India is distributing this amount among the different provinces, and so far as Bengal is concerned, a sum of Rs. 16 lakhs has been allotted to our share; and the question now is, shall we dissipate the amount among a number of objects of varying degrees of utility or shall we concentrate it upon some crying and paramount need of the Province? So far as I am concerned, that seems to be the only point for discussion before us: but in arriving at a clear decision on the question, it will be necessary for us to bear in mind the three inevitable conditions of the problem. The first is that the amount at our disposal is by no means large. So far as the total amount at the disposal of the Government of India is concerned, that itself is by no means large. One crore of rupees to be distributed among 20 crores of men—that works out at the magnificent figure of 3 pice per head. And so far as Bengal is concerned, the position is still worse, because here we have to distribute 16 lakhs amongst a

population of 500 lakhs which works out at the rate of 2 pice per head. Two pice worth of rural uplift per head! This is not exactly a thing to enthuse over; and, therefore, it becomes all the more imperative for us that every ounce of the money we may get should be well conserved, that we should try to wring out of it the maximum advantage that we can.

The amount at our disposal is by no means large, and the second condition of the problem is that this amount is not likely to be a recurring one. The Government of India has insisted again and again that the grant should not be treated as a recurring one; and from our general acquaintance with the political situation also, the probabilities are more in favour of the fact that it will not be repeated. From next year onwards Government is not likely to have any superfluous money at its disposal. Moreover, they will have new claimants upon their resources. There will be the claims of the new provinces of Sind and Orissa, of the deficit province of Assam, and if I am permitted to add here, the claims of the deficit province of Bengal also. In view of these multiple demands, it does not seem likely that the Government will be able to repeat their generous offer next year or in any subsequent year. The third condition of the problem is this:—the grant being so small, and there being so little chance of its being repeated, it is but common sense, it is but ordinary prudence, that it should be so utilized that it may leave an abiding impression upon the minds of people.

Bearing these three conditions of the problem in mind, I shall now proceed to an examination of the suggestions that I have made, and after that I shall examine the proposals which the Government have made. My proposal, as distinct from the proposals of the Government, is that the money should be distributed, district by district, upon a territorial basis; and then within each district or within each group of districts, it should be devoted to the carrying out of some one primary object so that a lasting impression may be made upon the public mind. There are 25 districts in Bengal among which the money is to be distributed. On an average, this would work out at the rate of 64,000 rupees per district. But these districts differ from one another in point of area, in point of population, and also in point of urgency of local problems. In either case, however, it does not seem likely that any district will have more than Rs. 75,000 or less than Rs. 50,000. Now, let us enquire what can be achieved with this modest sum of Rs. 50,000 to Rs. 75,000. I have said already that the different districts differ in the urgency of their problems. In one district, the primary need may be extended communications; in another, the primary need may be water-supply; in another the primary need

may be the eradication of the pest of malaria; in still another, it may be the eradication of kala-azar; and in some other, people may want to concentrate upon the improvement of cattle and fodder—.

Babu AMULYADHAN RAY: What about water-hyacinth?

Babu JITENDRALAL BANNERJEE: Yes, you will deal with that when your turn comes, but do not disturb me now. In still another district, as Babu Amulyadhan Ray says, the problem may be the eradication of water-hyacinth—different problems to which the people would like to devote themselves with some chance of producing a definite and lasting impression. With Rs. 50,000 or Rs. 75,000, at your disposal, much might be done in any one particular direction. Take the case of communications. With Rs. 50,000, you could have 150 miles of excellent *kutcha* roads or ten miles of tolerably good *pucca* roads, so that at the end of the year people may look round and say—we have got something in return for the bounty of the Government—something to show, something to use, something which will permanently endure. But I am told that communications are a bugbear to the Government. Let me pass on to the question of water-supply. With Rs. 50,000, you can have 300 tube-wells in a district. That again is sufficient to make a permanent impression, a definite and lasting impression upon the minds of men. So also is the case with malaria. With Rs. 50,000 devoted to anti-malarial work, you can remove malaria completely in the course of a year——.

Rai Bahadur Dr. HARIDHAN DUTT: Impossible.

Babu JITENDRALAL BANNERJEE: The Rai Bahadur is out of date so far as his knowledge of anti-malarial measures is concerned. He thinks only in terms of quinine; but mere quinine will not do. The anti-pistia work, in which the Health Departments of some of the districts are now engaged, has yielded definite and very encouraging results, and it may be tried extensively at a very small cost.

Let me now examine some of the different proposals which the Government has made, and whether these are likely to secure any permanent or enduring benefit to the people of the country—benefit which can be immediately felt and touched, as it were. Take first the case of the Education Department. The Education Department proposes to devote Rs. 1,80,000 for providing school play-grounds, village play-grounds, village libraries, and village halls. At present, the proposal is—unless the Hon'ble Minister is prepared to contradict me—at present the proposal is that each subdivision will have one village hall and one play-ground. The hall will cost Rs. 1,000, and the play-ground Rs. 750—that is, Rs. 1,750 for one village hall and one play-ground. Now, there are one hundred subdivisions in Bengal; and the

result will be that out of the total sum of Rs. 1,80,000, Rs. 1,75,000 will be spent, simply for the purpose of providing one village hall and one village play-ground in each subdivision. For rural libraries and play-grounds and for the starting of agricultural classes in high schools—for all these purposes, we shall have only the magnificent sum of Rs. 5,000 left. Sir, the Hon'ble Minister must be a miracle worker, if he really expects to do anything in these directions with the help of Rs. 5,000 only.

Let me now pass on to Local Self-Government. They have got Rs. 3,50,000; and the department proposes to spend half of this amount in establishing union board dispensaries, and the other half on water-supply. So far as the dispensaries are concerned, it will be a mistake to confine the bounty of the Government to union board dispensaries alone. Sir, there are very few dispensaries in Bengal, which can really be called union board dispensaries. Few union boards in Bengal are in a position to maintain a dispensary by their unaided resources. To have a dispensary, they must combine together and even then they have to depend upon the liberal assistance from the district board and from Government. Turning from that point, however, you can build 87 dispensaries out of this sum of Rs. 1,75,000, and that is the contemplation of Government. But these 87 or 88 dispensaries will require a recurring grant from the Government of Rs. 22,000 per annum. Is the Government prepared to provide this amount? Otherwise, what is the good of starting these dispensaries? An annual sum of Rs. 22,000 must come from the Government, or the dispensaries cannot be continued; and another annual sum of Rs. 22,000 must come from the district boards or they cannot be maintained, because on an average a dispensary costs Rs. 500 a year, and no union board or combination of union boards can spare this sum of Rs. 500 per annum.

So far as rural water-supply is concerned, how much can you expect to do with Rs. 1,75,000? Will it not disappear like a drop in the desert, so that, at the end of the year, there will be nothing to show for it? Rs. 1,75,000 works out at the rate of Rs. 7,000 per district, and with this money you can have only 20 wells at the end of the year —20 wells for the purpose of removing or mitigating water-famine in a district. Again I must say, a mere driblet in the desert—so much money wasted like a handful of dust!

Sir, the fundamental mistake of the Government seems to be that they have proceeded on basis of departmental competition—each department wants to make a splash—and that seems to be the political motive underlying this distribution. Rs. 2 lakhs has been given to the Education Department, Rs. 3½ lakhs to the Local Self-Government Department, and Rs. 3,93,000 to the Department of Agriculture and Industries. My friend the Nawab Sahib always comes out best in these bargains. So far as the Irrigation Department is concerned, they also

seem to have got Rs. 3,30,000. The only department which has not got a look in is Revenue, perhaps because it is more concerned with income than with expenditure. The only other department which seems to have got nothing is Finance; but that does not very much matter, for the Hon'ble Member in charge of that department will have the key of the casket in his pocket.

Sir, I would ask this Government, if they do not consider it beneath their dignity, to take a leaf out of the book of the neighbouring province of Bihar and Orissa. The Government of Bihar and Orissa have got Rs. 12,50,000 and they propose to devote the bulk of it—11 lakhs out of it—to communication and water-supply. I would ask the Bengal Government, if it is not too late, to follow the good policy adopted by Bihar and give us something by which they can be remembered, something for which the people can be grateful, something which can be definitely shown and pointed out in return for the money that will be spent. With these words I commend my motion to the acceptance of the House.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I support the amendment of my friend, Mr. Jitendralal Bannerjee. He has put his case very eloquently before the House. What I want to emphasise is that this discussion is more or less unreal, because as we have been told by the Hon'ble the Finance Member, the schemes suggested by the Government of Bengal have been approved by the Government of India; and as matters stand there is very little likelihood of there being any departure made from the proposals that have been placed before the House. It is very difficult to understand the position of the Government of India in the matter. They have not handed over this sum to the Government of Bengal to be spent according to their own discretion or according to the wishes of the people as represented by the decisions of the Bengal Legislative Council. They have kept in their own hands the right of approving or disapproving any schemes which are to be put before them. I do not know if the hands of the Government of Bengal were in any way fettered by the Government of India when they placed this sum at the hands of the Government of Bengal. Well, Sir, if the scheme had been drawn up under the instructions of the Government of India, I have very little to say because any criticism would be irrelevant. That point ought to be made clear by the spokesman on behalf of the Government of Bengal. To my mind, Sir, this unexpected generosity on the part of the Government of India can be traced to two reasons. One of the reasons may be that they want to create an impression among the people of this country that Government have some concern for the people of the villages and that they want to take an interest in the welfare of the people. Sir, we have heard a lot about the village organisation schemes inaugurated by

the Indian National Congress. This village uplift scheme on the part of the Government of India may be interpreted as a sort of counterblast to that proposal. Anyway the idea is there that the Government are willing to do some good to the people of this country, especially the villagers, *i.e.*, the people who live in the rural areas. But there is another aspect of the question, and I am inclined to think that that also must be in the mind of the Government of India when they sanctioned this grant. Under the coming Reforms when we are going to have provincial autonomy the Government of India will have very little to do with the nation-building departments in the provinces. Perhaps this is an indirect attempt on the part of the Government of India to retain some control over the Provincial Governments; by allotting a certain sum from their own funds and by earmarking them they may claim to have some say in the matter. If they had allotted the whole amount to the Government of Bengal, as they often do to different Governments, to meet deficit budgets, they would have had no say in the matter nor any control over it. From the constitutional point of view, this is an attempt on the part of the Government of India to interfere with the discretion of a Provincial Government and as such it ought to be challenged. Sir, it ought to be made clear to them that if they want to help Provincial Governments, they should extend that help without making any conditions and thus fettering the discretion of the Local Government in such matters directly and the wishes of the people indirectly. As matters stand, it is a mere matter of courtesy that the Hon'ble Sir John Woodhead has placed this matter before this House. Sir, the Government of Bengal could easily ignore the Bengal Legislative Council and the people in this matter. But, Sir, that is not a satisfactory position. Whenever there is any expenditure under the control of the Ministers, it is fair that the demand should come before this Council and the Minister should proceed with the sanction of this Council in any matter of improvement work. However, Sir, under the existing Constitution, the Government of India are the controlling authority, and I do not want to emphasise the point any further, but I hope the Government of Bengal will take this matter up with the Government of India in order that this may not be treated as a precedent.

Sir, as regards the amendment of my friend, Mr. J. L. Bannerjee, I think the Government will be well advised to accept it. As my friend has pointed out, the basic idea ought to be that this grant should be utilised in such a way that it would make some impression in the people's mind, and I believe this was also one of the ideas which promoted the Government of India to make this grant. If one or two particular objects are selected and expenditure is concentrated on them, it would create an impression among the people. If the Government want variety, there is room for satisfying that desire in the schemes suggested by my friend. Government may try, after getting the

opinion of the local people on different schemes in different districts. If there is any particular district which is very keen in the Bratachari movement, there will be no objection to spending money on that purpose. If there is a demand in a particular area for radio sets, well that area can have them. But without consulting local opinion and without getting the support of the people in such matters to spend money on these heads would be sheer—and if I may say—unreasonable waste of money. The attitude of the Government should not be like that of a man who has suddenly got a huge some of money and does not know how to spend it, and all sorts of whims flash into his mind. This proposal of the Government of Bengal to spend Rs. 16 lakhs on these 13 projects more or less appears to be that of a person who has not got a very definite idea as to what to do with the money that has come in the nature of a windfall.

Sir, there is one item, viz., Rs. 50,000, for the marketing of jute and paddy. I would ask the Hon'ble Minister in charge of the department or the Hon'ble Sir John Woodhead to enlighten the House as to what the scheme of Government is—in what way they want to spend the money. The Government of Bengal have not placed before this Council or before the country any scheme as yet. They have got Rs. 16 lakhs and jute is just now in the forefront and the Government have allotted Rs. 50,000 on the marketing of jute. It is an important matter and Government ought to give serious thought as to whether they should place before the Council and the country a well-considered plan of marketing. I do not know of what help Rs. 50,000 will be in a matter like this. If this is the intention of the Government of Bengal, well let them get an expert from England and pay him Rs. 3,000 a month and spend the balance on his staff here. But if it is the intention of the Government of Bengal to tackle the problem seriously, they have to spend much more money; they have to take more and more steps. I hope in the course of this discussion the Hon'ble Minister in charge of the department will be able to throw more light how he is going to spend or squander this Rs. 50,000. As it is, it seems the Government of Bengal have got no scheme of their own as regards this very important problem of marketing.

Sir, it is rather hard to make any suggestion as regards how this money should be spent, because everyone has got his own ideas about the matter, and I think at this stage very little useful purpose will be served by presenting any scheme for the consideration of Government. However, I would like to point out that the scheme that would appeal most to the people of this province would be as regards the provision of good drinking water in the rural areas. The villagers would understand that and with the co-operation of the local people and the local *zemindars*, Government can confer a great benefit upon the people in the rural areas, if they undertake to supply this want. I think this scheme is

already before Government. I read some time ago that the late Sir P. C. Mitter interested himself in this matter, and he promised he would take it up, but I do not know why the matter was dropped, and I think if the Government of Bengal really wants to do good to the country, and really wants to bring happiness to the countryside, it should devote its attention not on such paper schemes as the Village Development Bill, or things of that nature, but concentrate their attention on such matters as the question of supplying pure drinking water in the rural areas.

Mr. B. C. CHATTERJEE: Sir, being a mere lawyer and knowing little of administration, I rise to speak with a certain amount of diffidence. But, Sir, as a Bengali whose acquaintance with the conditions prevailing in the mufassal has been fairly wide and of long standing, as a man who has had to knock about the mufassal the greater part of his life, I venture to think that my friend Mr. Ray has put before the House the one scheme which would do immense good to Bengal, and at the same time make this Government a really popular one. I am speaking of rural water-supply. We are all familiar with the tragic sight, the tragic spectacle, of the poor Hindu and Muhammadan women of Bengal having to do journeys over half a mile or even a mile just to bring a pitcher full of dirty water out of a tank. Anybody who has the good of Bengal at heart cannot have been terribly sorry, terribly struck, by this tragedy which goes on in our own villages from year's end to year's end without any remedy whatsoever.

Now, Sir, we know this also that when a tube-well has been introduced into a village, it has improved the health of the village in a most perceptible degree within a year's time. When water-works have been introduced into towns that had no water-works, they have always made a perceptible improvement in the health of those towns. Take Natore as an example. Now, Sir, I have been to Natore before and after the establishment of water-works. When one went before the establishment of water-works, it was impossible to drink anything except coconut milk, even the aerated water at Natore was suspect. Take a little place like Munshiganj, its health has gone up by leaps and bounds, ever since the introduction of filtered water there. Here is a want, about which we all Hindus and Muhammadans must be agreed and we all know that the one thing that produces a wealthy crop of diseases in our village life is the want of good drinking water. Now, Sir, if the Ministers and the Executive Councillors would be equal to a self-denying ordinance, and could all agree that instead of each having something for his department, the whole of this 16 lakhs should go to the introduction of tube-wells in our villages, Bengal would be a different country. I mean to say when you speak of propaganda, I cannot think of a better propaganda to bring the conviction home to the

mind of the people of Bengal that they live under a beneficent Government, than by way of introducing tube-wells which Mr. Ray and the mover of this amendment have suggested; and I do hope that the members of this House, the non-official members also, will have enough patriotism, enough strength of mind to deny themselves the pleasure of advocating their particular schemes, and will concentrate on this one great want of our Bengal village life. If we all did it, I am quite sure, if all the elected members, Hindus and Muhammadans, in this House were to go into the lobby together and register their definite opinion that all the 16 lakhs should be devoted to the supply of good drinking water to villages, that would be bound to create an impression not only on the Government of Bengal but also on the Government of India. We are always for reading lectures and reading lessons to members of the Government sitting opposite, but to-day will be the testing day to judge the genuineness, the sincerity, of the non-official members of this House. If they can rise equal to this bit of self-denial that is demanded of them, if they can throw aside all the other amendments tabled here, and say with one voice that we will have the whole 16 lakhs devoted to expenditure on tube-wells throughout Bengal, that—(MAULVI SYED MAJID BAKSH: We have tube-wells.) Maulvi Majid Baksh has got a tube-well in his village, leave him out—that will, I am sure, have the desired effect on the Government, and Government will find it very, very hard to refuse to give effect to such a unanimous voice on the part of the non-official members of this House—

Mr. PRESIDENT: Is there any motion before the House to that effect?

Mr. B. C. CHATTERJEE: There is no motion to that effect; I am speaking on Mr. Bannerjee's amendment. He has used the words "one or two." I am talking on "one."

Now, Sir, the tragedy of it is that we and the Government do not differ in our object. We both want to do good to Bengal. They want to do good to the country as much as the non-official members; we have no quarrel with them as far as that goes. But it is all a question of each one of the members of Government wanting to save Bengal by getting a little money for his own pet scheme. It is obvious that the word "frittering" used by Mr. Bannerjee in his amendment would be *the* word to use towards members of the Government if they really mean to have this money divided up into infinitesimal portions, as the proposal of the Hon'ble Finance Member shows. I would ask every Minister and every Member of the Council, every Secretary sitting behind the Hon'ble Minister and Hon'ble Member whether it is not their one invariable, unanimous experience that *the* want of Bengal is the want of good drinking water. What is the use of your scheme to

introduce the marketing of jute and paddy? What is the good of teaching umbrella-making, if the men to do it are in a broken down condition, and have no physical strength to carry on the work? It is well known that we in Bengal are physically less fit than other Indians outside Bengal, and one of the reasons why Bengalis are in such a chronic state of physical inefficiency is that Bengal does not get decent water to drink. The moment you get out of Bengal you get very good drinking water; in Behar, in the United Provinces, and other places, the water from the wells is very good water to drink; from good water you get good health. In Bengal we have a different position. As soon as we get out of Calcutta to a village or to one of the big towns which have no water-works we find no water fit to drink. If the Hon'ble Members of the Government would try to drink a little water out of one of these tanks to which these poor women go with pitchers under their arms doing a journey of a mile or half a mile to get it, I do not think the Government of Bengal would continue to function——

The Hon'ble Sir JOHN WOODHEAD: I have often drunk such water.

Mr. B. C. CHATTERJEE: All that I appeal to you for is that you shall not make the poor women and men of Bengal drink that water any longer. It is within your power to devote this 16 lakhs to the purpose I have already mentioned. It will give the poor men and women of Bengal a chance for the first time to drink the same sort of water that the Hon'ble Member has been drinking, and the Hon'ble Member will find that diseases would disappear like magic from the villages of Bengal. Once he introduces good water, what has happened in Munshiganj, Natore and other places will happen in the villages. Out of 16 lakhs you can make 10,000 tube-wells and these 10,000 tube-wells if distributed wisely, will make a very good show, and for the first time Bengal's poor men and women who have nothing to do with political agitation, nothing to do with Liberalism, Extremism, and Revolutionary Activities, will begin to realise that the Government of Bengal is really waking up to the fact of their existence, because the Government of Bengal have awakened to the necessity of giving them good water to drink. At one stroke the Government of Bengal will become more popular than it has been for the last 30 or 40 years. I appeal to everyone, Government officials as well as non-officials, to take up this scheme, and to devote their whole energy to the advocacy of this scheme to the exclusion of every other rival project. If they do so, I have no doubt they will live to bless themselves and earn the blessings of the untold millions of their countrymen and countrywomen whom they all aspire and genuinely mean to serve. For

such service to-day an instrument has been placed in their hands which they should not misuse, but in my humble submission use to the best of their power.

Mr. PRESIDENT: Is it your intention to make some general remarks on the subject, or you want to have a concrete proposal put to the House?

Mr. B. C. CHATTERJEE: I ask the House to take up the question of supplying good drinking water.

Mr. PRESIDENT: Then you have to move a short-notice amendment to that effect.

The Hon'ble Sir JOHN WOODHEAD: Am I to understand that he wants the whole amount to be spent on tube-wells?

Mr. PRESIDENT: Mr. Chatterjee, do you wish to concentrate on tube-wells only?

Mr. B. C. CHATTERJEE: Not necessarily on tube-wells. Sir, I want the amount to be spent on the supply of good, healthy drinking water.

Mr. PRESIDENT: Will you please then draw up your amendment and let me have it?

Mr. B. C. CHATTERJEE: All right, Sir.

Mr. PRESIDENT: In the meantime discussion on the resolution may continue.

Babu KHETTER MOHAN RAY: Mr. President, Sir, I am sorry I cannot support the amendment of my friend, Mr. J. L. Bannerjee, for this division of Rs. 16 lakhs among the different districts of the province as mentioned in his amendment, nor can I give my whole-hearted support to the motion of the Hon'ble Finance Member. My reasons are these: I am afraid that the schemes, as detailed in the memorandum, are not happily chosen. The Government had had ample time in submitting the schemes and they should have made a deeper study of the needs and problems of the villages. I admit that Rs. 16 lakhs is too small a sum to finance any co-ordinated scheme for rural construction. But a beginning can be made even with these slender resources. As the money at our disposal is limited, it is all the more necessary that this sum should by no means be diverted to any purpose other than

those which may likely be called rural uplift projects. At least this was the spirit and sense of the House when the Indian Legislative Assembly voted a crore of rupees for rural uplift in different provinces. This sum or a great bulk of it should be devoted to training of villagers in small cottage industries which will prove sources of subsidiary income to the agriculturists.

It is true that some of the schemes for our province are very nice. No one will deny the usefulness of such projects as the establishment of seed, paddy and crop demonstration centres, improvement of cattle, fodder crops, improvement of poultry, and improved marketing of jute and paddy. If rural reconstruction means anything, it means agricultural improvement—improvement not only in the methods of production of the different crops but in their distribution as well. I welcome the above projects as these are directed towards this end, and I wish the Government had adopted more of such measures.

One thing which I expected to find prominently figuring in the memorandum, but which is actually not there, is the scheme for co-operative training. If the co-operative movement in Bengal has not succeeded to the extent that could be desired, it is because of the want of training in the principles and practice of co-operation amongst the workers. This defect must needs be immediately remedied. And the Government of Bengal should have been well-advised in including a scheme for co-operative training in their rural uplift campaign.

Industry has not been fairly treated. All that is going to be spent over the cottage industries is a small sum of Rs. 40,700 for the establishment of coir-spinning and weaving demonstration parties. There are numerous cottage industries in the province which are dying away for want of organisation. Of course it is impossible to attack all the industries with the small sum at our disposal. But yet some choice could have been made. A sum could have been allotted for the organisation of the button industry for instance. Sir, button-making as a small industry has made a little headway at Nangalbund and about 40 or 50 other surrounding villages in the Narayanganj subdivision of the Dacca district. It is reported that buttons manufactured by these villages out of shell or mother-of-pearl are imported to Dacca where a weekly market is held for sale and purchase of this article and from there buttons are sent to Calcutta and other centres. I am told that in every week about Rs. 2,000 worth of buttons is sold in that market. Buttons manufactured by this village have fairly succeeded in competing in the market with cheap articles manufactured by Japan. I, therefore, request the Government to make an enquiry into this industry and establish button-making demonstration parties. I may also mention that the people of these villages by manufacturing buttons have really added to their slender income.

Sir, any person travelling through our villages will be struck with a sight of beehives hanging from the boughs of trees here and there. Sometimes villagers gather honey from these hives, but in many cases honey in these beehives is allowed to be consumed by bees. Villagers gather honey in a crude way and much of the honey is wasted while being gathered. Besides, villagers do not know the art of keeping bees. This is a small industry capable of being carried on at a small cost. I would invite the attention of the Government to this industry and request them to establish a model bee-keeping farm on approved modern methods. I am not for minor drainage and flushing schemes in rural areas. Rs. 3,30,000 would be a drop in the ocean. The district boards and union boards are doing useful work in this direction. This sum should not be spent on schemes which can very well be taken up by the local bodies out of their funds. Besides, this sum will produce no appreciable results. If rural uplift means anything in these days of economic distress, it means augmentation of slender incomes of agriculturists and artizans. I would advise the Government to distribute this sum to those district boards which are maintaining technical schools earmarking the same for capital expenditure for teaching boys manufacture of small new industries which may add to the income of the rural population.

I would welcome the schemes relating to the improvement of health, sanitation, introduction of agricultural and manual training in selected secondary schools. But it appears to me that the Political Department has absorbed an undeservingly large sum of money. Rs. 82,000 has been earmarked for the establishment of an experimental rural broadcasting service in the Midnapore district. I do not see how this comes under the scope of rural uplift, nor do I share the optimism of the Government that the wireless transmission at Midnapore would after two years be established on a business footing. Discretionary grants to Commissioners and District Officers have again been unusually large. A portion of the sums under these heads should have been diverted to other really rural uplift measures.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I rise to support my friend Mr. Jitendralal Bannerjee. After what has fallen from him and the eloquence that he has displayed in explaining the object of his motion, I know my speech will absolutely fall flat before this House. But as several others have spoken in the interval, I do not feel shy in rising and giving my whole-hearted support to his motion. Sir, if the Hon'ble Finance Member has brought this motion before this House simply for the sake of fun, of course he may do whatever he likes. But if he has brought this motion to ascertain the considered opinion of the leaders of the people and of the people having knowledge of things and knowledge of villagers whose uplift he and the Government of India are contemplating, then I think my friend Mr. J. L.

Bannerjee is right when he said that the whole amount should be spent for only one or two subjects of importance for the benefit of the people of the province. True it is that the uplift of the villages is not possible with a small amount of Rs. 16 lakhs, as the uplift of the villages means a great deal. When the money was given by the Government of India, probably they never thought that the uplift of the villages in Bengal meant spending of crores of rupees—not a few lakhs. Some good may be done to the whole province if the money is spent on just one or two things which have been brought to the notice of this House by members who have already spoken. The first point is whether the money should be spent on water-supply. I fully agree with the previous speakers that water-supply in rural areas is what is actually desired. Although my friend the Hon'ble the Finance Member says that he has drunk a lot of water in the villages, he must also have contracted malaria, dysentry and other diseases during the time that he was in the districts, and which he has now shaken off by coming to the metropolis by drinking better-quality water here. He, perhaps, means to say that although he drank a lot of water from those tanks, his health did not suffer much; but, Sir, we all know and can say in a chorus that anybody who goes to the villages which are not supplied with good water from tube-wells he contracts either malaria or some other disease, especially dysentery. So, I think if we can with this Rs. 16 lakhs bring better water-supply to the door of every village, it is possible that we shall be able to uplift the villages so far as the health of that locality is concerned. So, why not concentrate our resources for uplifting the villages at least in one particular aspect, and that is to give them a better water-supply.

Then, Sir, there is another point which is also of vital importance, especially to the district from which I come, I mean the district of Jalpaiguri and the Terai of the Darjeeling district. I have been told by medical officers who have spent their lives in these localities that there are places in the Alipore-Dooars subdivision and Siliguri where 75 per cent. of the inhabitants there have got enlarged spleens and livers. If in those places money is spent for the eradication of malaria, you would really be saving hundreds and thousands of lives. In these places the death-rate is 75 per thousand and the birth-rate is just 15 or 16 per thousand. If people from other parts of the country did not go and settle in those parts, they would once again have become the dense jungles that they were before. So, I suggest that if this money is actually given to the District Magistrate to work in consultation with the district board, the eradication of malaria can also be attempted out of this fund. I think that this money should not be spent on the establishment of hospitals here and there, for such works should be done out of the funds of our Government and not from this special grant. The Government of Bengal should themselves establish hospitals and dispensaries which may be managed by union boards, but

so far as this special fund is concerned, I think it should go not to any selected areas in districts but should be spent all over the districts, and with this money we should try to eradicate malaria as much as possible.

Sir, my friend Mr. Shanti Shekhareswar Ray said a lot of things to which we do not subscribe—especially the political aspect of this grant from the Government of India. But although I cannot see eye to eye with him in this matter, I agree with him so far as regard his suggestion that this House should concentrate the expenditure of this grant under the head "Water-supply." I want to add to it the other pressing necessities such as eradication of malaria; these are the two concrete proposals before the House. It is not for the members to decide but to give their opinion whether money should be spent on these two matters. As for the proposal of Government to spend this particular grant on different heads, I cannot agree with them. So far as this grant is concerned, it has been given for a special purpose. It is not an ordinary purpose for which the grant has been made by the Government of India, *e.g.*, for the purchase of bulls for improving cattle, for breeding better cows in ten selected districts which we all agree is quite useful item of work, which however, I think, should be financed out of the ordinary revenues of this Government.

Then, Sir, I come to the question of the sale and supply societies of jute. I see the scheme is not before this House. But it was pointed out, as far as I remember, by the Hon'ble the Finance Member and my friend Mr. Basu, to my right, that the provincial bank lost 30 lakhs of rupees for these societies. How is it that the Hon'ble Minister suggests establishment of such a society again? I agree with the Hon'ble Minister that such a society is really necessary.

Short-notice amendment.

Mr. B. C. CHATTERJEE: Sir, may I move a short-notice amendment? It is to the following effect that, for the words beginning with "someone," in line 6 of part (*ii*) of Mr. J. L. Bannerjee's amendment, and ending with the word "district" in the last line, the following be substituted:—

"the most crying need of the province, viz., improvement of water-supply according to the needs of each district."

Sir, I move the amendment formally without making any speech, according to your instructions.

Babu JITENDRALAL BANNERJEE: Sir, it is a new amendment, which is an amendment to my amendment. I suggest, Sir, that it be moved as an amendment to the original proposal of Government. Can an amendment to an amendment be allowed to be moved?

Mr. PRESIDENT: Certainly, it can be moved as an amendment to your amendment.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, may I move another amendment?

Mr. PRESIDENT: Let me see what it is like.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I shall be able to make myself understood better if I spoke on the motion first.

The Hon'ble Sir JOHN WOODHEAD: Sir, I suggest that the Khan Bahadur should rather let the House know first what his amendment is.

Mr. PRESIDENT: Yes, if the Khan Bahadur is really serious, he might, first of all, tell us what his amendment is.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I have not had the advantage of having listened to the speech of Mr. J. L. Bannerjee in moving his amendment, but I am in entire agreement with him as regards the spirit of the amendment, although I have some difference with him regarding the manner in which he proposes that the money should be spent. We have received this Rs. 16 lakhs——

Mr. PRESIDENT: Then, you are not moving any amendment?

Khan Bahadur MUHAMMAD ABDUL MOMIN: I thought, Sir, that I would explain my point before I moved my amendment.

Mr. PRESIDENT: I cannot promise that I would admit your amendment even if you moved it, but let me, first of all, know what it is.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I, certainly, do not claim any promise, but I want a favour from you.

Sir, my suggestion is that the amount be distributed among the different districts of the province to be devoted entirely according to the needs of particular localities, on rural water-supply which is the first and foremost need, the eradication of malaria and improvement of public health and, thirdly, primary education of girls. Sir, shall I be in order in speaking now?

The Hon'ble Sir JOHN WOODHEAD: Sir, I presume that the Khan Bahadur is not altering the first part of Mr. Bannerjee's amendment. He seems to be inconsistent.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I am not moving the first part, viz., "instead of frittering away the money available for the purpose over a dozen schemes of varying utility." I want to put in "rural water-supply, eradication of malaria and improvement of public health" and, thirdly, "primary education of girls."

Mr. PRESIDENT: Khan Bahadur, I am rather reluctant to admit your short-notice amendment as it is, perhaps, beyond the scope of Mr. Bannerjee's amendment to which yours is an amendment; for Mr. Bannerjee's amendment is confined to one or at most two of the crying needs, but you want to exceed that number.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Very well, Sir, I give it up. As I was submitting to you, I am in full agreement not only with the spirit of the motion of my friend, Mr. J. L. Bannerjee, but also with the speeches that have followed his, viz., that of Mr. Chatterjee and of Mr. Ray. We have received this sum of Rs. 16 lakhs from the Government of India and now the question is how best we can spend this money to the advantage of rural areas. I admit, Sir, that most of the schemes on which the Hon'ble Member is proposing to spend this sum or to allot this money are useful schemes, but among them there are some——

Mr. PRESIDENT: Order, Order, I must adjourn the House at this stage for fifteen minutes for prayer. The Khan Bahadur may speak after the House reassembles.

(After Adjournment.)

Babu JITENDRALAL BANNERJEE: Sir, before the discussion proceeds further, may I, with your permission, make a statement which might clarify the position?

Mr. PRESIDENT: I do not think you can make another speech. But if you are going to make a brief statement for the purpose of meeting the amendment of Mr. Chatterjee, you can do so.

Babu JITENDRALAL BANNERJEE: Thank you, Sir. I want to put a rider at the end of my amendment to the following effect: "that preference being always given to works of water-supply according to the needs of each district." Mr. Chatterjee has also agreed to accept this alteration.

Mr. B. C. CHATTERJEE: Sir, in view of what Mr. Bannerjee has said just now, I would ask for leave of the House to allow me to withdraw my amendment and to let the amended amendment stand.

Mr. PRESIDENT: As there is no objection to this, it may be done. Discussion may proceed on Mr. J. L. Bannerjee's amendment as altered by him.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, now that the proposal of Mr. J. L. Bannerjee has been narrowed down to meet the suggestions of most of the members of the House, our work has been very much simplified. When moving this motion, the Hon'ble Member said that this money was not subject to the vote of the House, but that we have been allowed a day for the discussion of this motion only because perhaps Government want to ascertain the views of the representatives of the people here. That being so, Sir, I do not think that really it matters in what way the wording of a resolution or an amendment is couched, so long as we are able to express our opinion as to how this sum of Rs. 16 lakhs should be spent. As I have submitted before, most of the schemes that have been drawn up by Government are useful schemes no doubt; but I must say that with the exception of one or two, they are more or less luxuries particularly when we take into consideration the dire needs of the rural population of Bengal. The establishment, for instance, of seed paddy store and so forth is desirable, but that is a scheme which is properly for the department to work out with their own funds, and I think they can very well wait for the time when our own Government have got resources with which they can tackle these problems. I am not, Sir, I must say a very great admirer, or it will be better to say, appreciative of the very many schemes of improvement which are alleged to have been done by the Agriculture Department. I do not say that they have not done anything, but certainly what they have is perhaps not in proportion either to the needs of the people, or the amount of money which has been expended on such schemes. What the country is crying for at the present moment is really the need for good water-supply, particularly in the districts of North and Western Bengal, and next to that comes the sufferings of the poor people from malaria and other diseases, for which immediate need, remedies are necessary. In my motion, which I put down before the House, I also placed the demand for the improvement of primary education for girls. That of course is not the opinion of the majority of this House, and therefore I am not pressing it, but in case our suggestions are not accepted, namely, if water-supply is not given the first choice and if Government propose to stick to their own suggestion, I certainly think that item 9 is an important item in the scheme of rural improvement. I suggest that we should spend this money for the purpose of improvement of rural areas. I am surprised to see that Government proposes to spend this money on items for which there has been no demand so far as the people are concerned, particularly knowing the great needs of health and drinking water that exist in this province. Either the advisers of Government are not aware of the needs of the

people or they do not think that these needs are sufficient for redress, and want as has been said, to squander most of the money in various ways which will have no effect or impression on the people at all. We have got this money as a windfall and after all it is not very much; it is our interest that we should spend this money for the greatest advantage of the largest number, and for purposes which will make a real lasting impression on the needs and necessities of the people. I therefore, Sir, whole-heartedly support the amendment of Mr. Bannerjee as amended just now. According to that amendment, discretion has been given to the local people in local areas, and it has been added that special attention should be paid to the supply of good drinking water to rural areas. I think that this will probably meet the need of most of the members of this House, and I support it.

Maulvi ABUL KASEM: I am reminded to-day of a little amusing incident about which I heard in my school-days. A lady went to a butcher's shop in London and was standing there. The butcher said: "Madam, what do you want?" She replied: "If you wish to know what I want I can tell you I want a house in Mayfair, a 60-horse power motor car and 6,000 pounds to keep it, and if you wish what I really expect, it is to get two pounds of mutton on credit." Here has been a windfall of Rs. 16 lakhs from the Government of India and the Finance Member, if I may say, of the Government has been pleased to consult this House about the best way of spending it. I see, Sir, from the list of amendments that everyone wants either this or that some special things of their own whether it be for real uplift or not, and even the Finance Member with all the experience that he commands has put forward about 13, not a very lucky number, schemes for which he wants to spend the money, among which are included Boy Scouts, Brataehari Movements and Demonstrations. Sir, I think we ought to concentrate ourselves on the well-considered resolution moved by my friend Mr. J. L. Bannerjee who comes from the same afflicted area as I do. We have on many an occasion said and said it repeatedly that the dire needs of the people at least on the other side of the Ganges is drinking water and a little bit of minor drainage and means of irrigation. Some of these matters will be taken by the land development work or whatever it is. We think that drinking water and a sort of drainage—small drainage scheme—is the most urgent need. There are in the Finance Member's proposal many things which legitimately belong to the other departments of the Government and should be made from the general revenues of Bengal. I would draw attention to one particular item of agricultural instruction in secondary schools. I think the whole question of primary and secondary education is to be remodelled and considered, and I am glad to find that the Government and the Hon'ble Minister in particular is turning his attention to this, and for the addition of agricultural classes which is absolutely necessary in secondary

schools and even in primary institutions. If the present scheme that has been formulated by Government is accepted and carried out, there will be sufficient money left for these objects and therefore, Sir, I think we should confine ourselves to one or two particular things to which Mr. Bannerjee has drawn attention. What is the good of trying to satisfy every demand and every hobby, if I may call it so, instead of going and spending all the resources that you command on particular objects and objects which are crying for absolute need and which should be attended to immediately? Some years back I criticised the Education Department of the Government because they gave scholarships to Muhammadan boys as a help to advancement of Muhammadan education of Rs. 2, Rs. 3, Rs. 5 and Rs. 6. I suggested to Mr. Bottomley, who is not here to-day, that instead of frittering away the resources in that way they should give decent scholarships to more meritorious boys and see that they carry on. This money is practically no help, but thrown away. With due respect I submit that this money of Rs. 16 lakhs for a province like Bengal with such a large population is only a drop in the ocean, although I know and I say without fear of contradiction that our resources, local resources, have been frittered away in many directions without looking into the matter of importance and for the use and benefit of the persons who most deserve it. We cannot forget and Government has after all realised—Government of India at any rate has done so—that the people in the rural areas, the labourers and the cultivators of Bengal, are the persons of whom I have spoken many times and their first interests should be looked into. There is no necessity for propaganda work. I claim it, Sir, that the villagers of Bengal, those particular cultivators of Bengal, and most of them who live in the villages are as well educated and they know perfectly well what are the needs of cultivators and other things. They may not be graduates of the Calcutta University, they may not be great mathematicians, but they are very sensible and practical men who know what is their business and what they are about. It is not lectures and instructions they want. It is only health which is wanted and that health we should give them. Much has been said about drinking water and nobody can deny that this is the first charge on this windfall as well as the first charge on the revenues of Bengal. Sir, I say that as to what extent it has been wrong. In the first place, on account of want of good drinking water and on account of want of drainage there is malaria in the land and this malaria cannot be eradicated either by quinine or mosquito brigades or of an army of doctors. What we want is a healthy place for the people to live in: I mean to say good drinking water and sufficient wholesome food to keep us warm. The situation in Burdwan is that our men, the men who made Burdwan in pre-British days as such, that this place had a reputation of being the sanitarium to Bengal. Thanks to the British Government and its action that we are now reduced to such

a position that we have to indent field labourers from the Sonthal Parganas and also from some of the districts of Bihar. What is the reason? Because for want of drinking water, for want of our drainage and many other things we are getting malaria which comes with the periodicity of seasons, our people are impatient and incapable of any manual labour that has brought about diseases. I would say, Sir, that Government is not bound to take our advice. But as we are at any rate members of the advisory Committee and when we are called I hope Government would pay heed to our needs and wishes that there is no necessity at present either for Boy Scouts or for Bratachari Movements or Girl Guides. What we now want is health and to live a healthy life so that time will come when we can stand on our own legs. We do not want Boy Scouts, Girl Guides or Infant Scouts. But, Sir, at the present moment what we need is protection and sufficient, good, healthy, pure, drinking water and other supplies. With these words I support Mr. J. L. Bannerjee's amendment lock, stock and barrel.

I would only add if you are anxious to satisfy all parties with this Rs. 16 lakhs and to have everything that you can conceive about village uplift, intellectual, moral and mental, then this House should decide that Rs. 10,000 should be paid to every member from rural areas and the rest to the Hon'ble Ministers and Members so that they may spend that as they like.

Rai Bahadur SATYENDRA KUMAR DAS: Although I support the scheme of the supply of pure drinking water in rural areas, I do not agree with the previous speakers nor do I support the schemes embodied in the motion of Sir John Woodhead. But I want to strike a different note which would be the panacea of all evils and cover the proposals of both the officials and non-officials in this House. My object is not to oppose Government tooth and nail, but to bring home to the Treasury Bench members the futility of spending Rs. 16 lakhs on 13 heads. I will speak on item 6 which belongs to Nawab Faroqui. You will admit that the Government of India in one of its charitable moods has made a gift of 16 lakhs to us. It is an unconditional gift and we can spend it in thirteen or in three hundred different ways as the Bengal Government please.

Sir, Bengal has got about 87,000 villages. If we are bent to spend 16 lakhs for the uplift of 87,000 villages, then each village would get less than Rs. 20 for its so-called reconstruction or development. If you appreciate the claims of all the villages and give to each one of them equal importance then theoretically you are to distribute Rs. 15 to Rs. 20 to the headman of each village. Is it possible to do so? And if it is possible, would it bring about the desired result? I submit not, if we spend in the way I refer to, then all the 16 lakhs will be thrown into

the river. Now, Sir, I find a scheme already developed as to the distribution of 16 lakhs. How could this scheme develop without consulting the public opinion is a matter of surprise to me. It clearly indicates that public opinion does not count, when the Government is bent upon doing even some apparent good to the province.

This 16 lakhs in the proposed scheme have already been divided among the different departments of the Government itself and we are invited here to give ditto and to say yes to this division which is not supported by public opinion.

I can clearly perceive the mentality behind this allotment of 16 lakhs and I regret to say that I cannot agree with this mentality of the authorities over our head. Roughly speaking, this 16 lakhs is eaten up by the five existing departments of the Government. I ask: Was this small charity of India Government meant to be swallowed up by the departments already existing? Is the Bengal Government bankrupt in devising broader policy to spend this amount, save and except the hackneyed methods it has submitted before us?

Sir, I have no hesitation to agree with all the thirteen items upon which this 16 lakhs are proposed to be spent, every one of these thirteen items if made successful would surely do good to Bengal but, Sir, I am thoroughly convinced if this 16 lakhs is spent or I make bold to say mis-spent in the proposed thirteen different ways, then the entire amount would be a mere waste and when a stock will be taken of the benefit we are likely to derive, I am sure nothing will be found. Take for example, where have all the bulls gone which you already distributed in the province for the improvement of cattle-breeding? Those bulls are nowhere to be found to-day. In most cases they have vanished and in some cases they are famished and dragging their degraded existence. What has become true in case of bulls and cattle-breeding, that would exactly be the case of this 16 lakhs in thirteen different channels, and, Sir, when I say this, I am fully conscious that I make no exaggeration whatsoever. Sir, so far I spoke as to the destructive criticisms of the proposed schemes.

Sir, now of my five schemes I shall suggest only one scheme upon which this 16 lakhs can be spent as a broader policy of experiment. Sir, I submit, why do you not spend this 16 lakhs for a better marketing of the two money crops jute and paddy, and by better marketing I certainly mean better arrangement of exchange value in our favour along with the improvement of transport and communications for the quick and free movement of agricultural products. Although it is the concern of India Government to manipulate exchange value in our favour, is it too much to expect that the Government of India will do its duty by us? Or why this fuss about rural uplift and charity of 16 lakhs? Is not 16 lakhs worth spending for the better marketing of our

agricultural products? I will not credit him with any economic foresight who will dare answer this question in the negative. Do we not know that unless our peasantry is recovered, we the Bengalees as a nation are lost, dead and gone. How can we recover the peasantry? Certainly by putting more money into their pockets. And how can we put more money into their pockets? Unless we can so arrange that their agricultural products fetch higher rate of prices. And, Sir, without improving the method of marketing, we cannot get higher prices for our agricultural products. Sir, it would be treating the intellect of the Government with insult, if I say that the Government has not understood the problem, or what is the jute restriction propaganda for? Why does the Government send missionaries? I mean Hon'ble Minister and Hon'ble Member to preach on jute restriction. It is simply because the less quantity of jute would fetch higher rate of prices. This adjustment of demand and supply smells of economic foresight, no doubt, but, Sir, if the higher rate of prices can be secured not only for less quantity of jute, but for greater quantity of jute, would it not be more beneficial to our peasantry? And the better marketing is expected to do it. Had not there been the agitation of jute restriction in the atmosphere, I would not have suggested my point at issue, but as I find that the Government is serious in fetching larger amount of money in exchange of our agricultural products, I venture to submit that the improved marketing is indispensable in this matter.

Sir, without better marketing jute restriction propaganda would be of no good. You restricted jute cultivation last year, only for the purpose that you will get higher prices, but the buyers can so arrange the marketing that we may not derive the desired benefit from our restriction propaganda. Sir, when you have already launched jute restriction propaganda, you are bound to start a propaganda for improved marketing because these are the two sides of one shield, one is inseparably connected with the other.

Sir, all the civilised Governments have control over their marketing for the benefit of the people. I do not want to multiply instances, it would suffice to say that—

(*a*) Only four years ago England passed the Agricultural Marketing Act in 1931 and set apart five lakhs pounds for England to carry on this propaganda; if we are under the same English rule in Bengal, why should not the Government pass a similar Act here and spend the entire 16 lakhs for the purpose?

(*b*) Other Governments like New Zealand, Switzerland, Scandanavia, Hungary, Peru and Spain have all adopted this policy for securing better and higher prices for their agricultural products.

But it is our misfortune that our Government has got no control over our marketing in the modern sense of the term. When I say this I do not forget that Mr. A. R. Malik is getting Rs. 750 a month and his three assistants are each getting Rs. 175 a month. But this amount, Sir, we are spending for improvement of our marketing in Bengal. I also remember that Major Livingston and his eighteen assistants who are spending a few thousands of rupees per month on their salaries, are advisers of the Government of India in the matter of marketing. We have got the structure and we spend thousands over it every month, but we derive no benefit out of it. And why? Because the Government is not serious over the matter as the Governments of other civilised countries are. The British Government is not serious about our better marketing in Bengal as it is serious in England. It is a fact and nobody can deny a fact.

All these advisory boards for marketing appear to me to be mere stage shows and, Sir, stage shows and pretences cannot do what a serious attempt is expected to do.

Sir, agricultural indebtedness is to be done away with and the Economic Board of Enquiry is entrusted with the solution of that problem. I happen to be a member of that Board and I can assure you that unless our agricultural products systematically and regularly fetch higher rate of prices, there cannot be any solution of that problem of rural uplift for which the grant is primarily intended. You may liquidate their debt to-day by a stroke of the pen, but if they cannot sell their produce profitably, they will be sumberged in debt to-morrow. Our whole trouble is due to our defective marketing. Sir, I have no objection to produce other varieties as suggested by the thirteen items of the Government scheme, but unless we can sell profitably what we already produce, and we produce jute and paddy in large quantities, what is the good of this short-sighted policy? There is a demand for our agricultural products and the demand is elastic; if the buyers are forced to pay higher prices, they will pay and they are bound to pay, but unfortunately our Government do not help the sellers to get better prices. The jute mills are going on stocking and stocking; there is no Government to restrict them and that being the case, I again say what would the mere restriction of cultivation do? If the Government neglects marketing, I must say that there cannot be any sense in the jute restriction propaganda.

Sir, rural uplift and village reconstruction are rather complicated problems. We cannot take them piecemeal; we must subject the entire scheme under a comprehensive and broader economic policy and by improving the marketing, we will enable the peasantry to pay rents, irrigation tax, education cess and other taxes which are necessary for development of Bengal. The peasantry of Bengal have been bled white, and no scheme would succeed until and unless we can put in more blood

into their veins which are absolutely dried up. When the peasantry will be in affluence, other developments and improvements suggested in my amendments will materialise automatically with money at their disposal.

But, Sir, before I conclude I would again say a word as to item (*iii*) of my amendments, that improvements of communications and transport are necessary corollary to better marketing of our crops, hence spending of money for such improvements is also essential.

With these observations, Sir, I resume my seat.

Maulvi ABUL QUASEM: I rise to give my whole-hearted support to the amendment which has been moved by my esteemed friend, Mr. Jitendralal Bannerjee, to his original amendment as later amended by himself. Sir, I am in entire agreement with him and those speakers who have supported him that this small amount of 16 lakhs—for small it is, after all, for a province like Bengal—should not be frittered away on a number of projects without any appreciable result from any, but it is better and most desirable that the money should be spent on an object of which everyone feels the need and whose beneficent effects everyone will appreciate. There is no district, Sir, in Bengal where scarcity of good drinking water is not felt, so that the suggestions that have been made in this regard and suggestions that have been so eloquently and earnestly expressed by Mr. B. C. Chatterjee are eminently worthy of Government's acceptance, but I am very doubtful of the attitude of Government. Sir, Government have a standing majority in this House, and I do not know whether they have sent round urgent whips for support of their schemes. Sir, the money has been directed by the Government of India to be spent on schemes of rural uplift; so Government should in all fairness and in all justice leave the decision of this question to members who come from the rural areas; let the decision be left to those members who represent the rural areas; and let Government abide by that decision, and we shall be grateful to Government for having been responsive to public opinion at least for once.

Here, Sir, is a scheme of Government consisting of thirteen items. Some of these items appear to me to be quite fantastic, considering the present condition prevailing in Bengal. What is the spectacle that meets us in Bengal at the present moment? We find there is flood, famine, malaria, failure of rain, failure of crops and hunger everywhere. Sir, we find that there is a proposal to establish what is called a broadcasting station in the district of Midnapore. I wonder whether it is the Government's idea to drown hunger and other wants of the people in radio music! I do not know if it is their idea that whenever a broadcasting station is established that will solve problems of rural areas, but

if so, let them hug that idea to their bosom. But as far as I am concerned, I feel that to spend money on projects such as these in the present condition of Bengal is to mis-spend and to waste money, for which there can be no iota of justification.

Then, Sir, money has been distributed amongst several departments of Government. Take for instance the Agriculture Department. Sir, speaking from my personal experience, I may say that my district and, in particular, my subdivision know nothing of what this department is doing or is seeking to do. Nor do I know, Sir, in what way the money of this department is spent. They try to make researches in improved crops, in improved seeds, and this and that, but no shadow of these improvements has fallen across my luckless district. The Agriculture Department may feel contented and self-satisfied with their own activities, but I do wish to raise a serious and strong protest against the way in which they have been carrying on their activities without any section of my people receiving any benefit out of those activities. I do make that solemn and serious charge against that department, Sir.

Then, coming to the way in which the money is proposed to be spent in connection with the Agriculture Department: I find that they have chosen only certain districts. I am in support of Mr. Bannerjee's amendment for this simple reason that his scheme is aimed at extending the benefit of these 16 lakhs to all districts, whereas the official scheme, so far as this department is concerned, will limit it to certain selected districts only. As usual, Sir, my luckless district has been left quite out of the picture and that perhaps advisedly. It seems that this district is being treated as the cinderella amongst all the districts of Bengal. Some time ago I mentioned in this House that my district was paid a compliment by the publication of a pamphlet saying that as the people of my subdivision were inactive and indolent and would not take part in anything that would bring them progress and improvement, therefore for all time they would have to linger in misery and remain in darkness. That is what was contained in that pamphlet, and that is the only activity of the Agriculture Department so far as it is known to me and to the people of my district. We are told that by the end of 1941 the whole stock of bulls in some ten districts will be replaced by half-bred studbulls, and much do I wish that my district was included in this programme, but that has not been done.

Now let me turn to item No. 8—the establishment of union board dispensaries. I am personally very grateful for this proposal, but I have this apprehension whether this will ever be carried out under the present conditions. This is a very important item, and I would ask members to look at page 6 of the memorandum circulated to us. It will be found that the dispensaries have been prescribed to be of a particular type and will be designated union board dispensaries. But I humbly

beg to submit that the way in which this suggestion has been made betrays a total lack of knowledge of union boards in Bengal. So far as this particular proposal is concerned, it may meet the requirements of some districts, but so far as my district is concerned, I am definite that very few, if indeed any, of the union boards will be able to avail themselves of the privileges thus offered them. Rs. 1,100 will be spent on each building, with corrugated iron roofing, and the medical officer is expected to be found free accommodation in the village, and he will also have to be his own compounder. And the union boards are also expected to give a guarantee that they will find at least Rs. 800 as recurring expenditure every year from their own resources. I ask the Hon'ble Minister to tell me what union board in Bengal will be able to give this guarantee and what sort of guarantee indeed will that be, and what sanction will Government have in order to enforce the guarantee. What would happen if any union board defaulted in making good its guarantee? Well, Sir, circumstanced as they are, these union boards will not simply be in a position to take up the management of any dispensaries. For even district boards with their superior resources find it hard to meet the demands of a dispensary, and poor union boards which have to depend on district boards for their resources, are expected to find money for these dispensaries to the tune of Rs. 800 a year! It is expecting the impossible from them and asking them to perform a miracle. This is really betraying lack of knowledge of the conditions that prevail in union board areas. If Government were really anxious that backward areas should have dispensaries where they have none at present, they ought to have arranged to make over the amount to district boards on condition that in those areas alone where the union boards are very poor and which are inhabited by poor Muslims or scheduled caste people, and where within a long distance there is no dispensary, dispensaries should be established and the recurring cost should be met from the district fund. Government should not have thrown this burden on the union boards. The result under Government's proposals will be that those union boards where there are educated and influential people and where there are dispensaries already will get these dispensaries, while backward areas will remain backward as they are and will be deprived of this great boon. The union boards should not be given this money because they are simply not in a position to accept responsibility for running the dispensaries; they will not be able to find the recurring cost.

Coming to the Education Department, the proposals appear to be excellent on paper, but they appear to be purely ideal proposals. Farms, workshops, village halls, village play-grounds, libraries, etc., are most desirable things no doubt, but the money to be allotted seems to be too small. And then how many villages will benefit by this? Then, again, the Government of India are not going to repeat this grant next year

and will this Government, afflicted as it is with perpetual deficits, be able to continue and maintain these things? Only for one year have they got this windfall and only a few villages are going to be supplied with these things. What is the good? That is why I support Mr. Bannerjee's amendment which aims at expending this grant on a single object that will be universally appreciated, namely, rural water-supply for admittedly money is much too small for the area to be served and should not be spent piecemeal.

Now with regard to the discretionary grants to be entrusted to Commissioners and Magistrates: well, Sir, they are really discretionary! We who have to deal with civil law know that a great deal of discretion is vested in the courts, but that discretion is to be exercised according to well-established judicial principles; here, Sir, discretion is going to be exercised according to what principle, I do not know. I wish the Political Department to take note of the fact that Magistrates do not visit the interior of the villages; they may go to some *thanas*, but not even to all in a subdivision. Nor do they study for themselves the needs of the rural areas in the interview. Only educated people who know about these grants petition Magistrates and get grants out of this fund, but backward classes who know nothing of this grant cannot petition the Commissioner or Magistrate and get nothing. The Commissioner, too, does not go into the interior of the villages and the sum of 2 lakhs odd that is going to be placed in the hands of District Officers and Commissioners to be spent on objects of rural uplift will generally be spent in places not in need of uplift. For all these reasons, Sir, I have come to the only conclusion that is possible and that is that the money should be spent on an object that will reach every district and that everyone will appreciate. And there is peculiar appropriateness in this suggestion as this is a year in which His Majesty the King Emperor has celebrated completion of the 25th year of his reign and people in the villages have hailed this occasion with rejoicings. So let this money be spent in sinking tube-wells or in excavation of tanks and let the people know that this money has been given to them according to His Majesty's wish and they will be showering blessings on His Majesty. I hope, therefore, that Government will not insist on carrying through their scheme, but will agree to the scheme adumbrated in Mr. Jitendralal Bannerjee's amendment.

Mr. NARENDRA KUMAR BASU: In rising to speak on this motion it is difficult to appreciate whether a hard-hearted financier like Sir John Woodhead really meant the distribution of this grant seriously or as a joke. Sir, it may be necessary to remind the members of this House of the terms of the speech of the Finance Member of the Government of India when this grant was announced. I do not

want to tire the patience of the House by reading the whole speech nor even several sentences of it, but what he said was this:—

"We consider that the needs of the rural areas should have the first claim and we have decided to set aside Rs. 100 lakhs for distribution to the provinces to be spent on schemes for economic development and improvement of such areas."

I ask the House to mark the words "economic development and improvement of such areas." The Hon'ble the Finance Member made it clear in his speech that he meant the money to be devoted to those departments over which the Provincial Ministers were presiding. In this speech he said that it is a problem to which all Local Governments are fully alive and to which Provincial Ministers in particular have devoted much attention. He further said that the grant should be spent on schemes approved by the Government of India which will improve the economic position of the people. That, Sir, was the first condition; and the second and last condition was that the money would be devoted only to schemes which the Local Government could not otherwise have been able to undertake in the immediate future. Those are the conditions of the grant and under those conditions this sum of Rs. 16 lakhs has been given to this province. One should have thought that the money would be devoted to the transferred subjects—the nation-building departments as they are called—and my friend, Mr. J. L. Bannerjee, also thought that the money had been given to the departments presided over by the Ministers with a little pittance for the Irrigation Department. I am afraid Mr. Bannerjee did not examine the schedule or the list given here. If he had done so, he would have found that items Nos. (4) and (5) are for propaganda work in the districts and the establishment of an experimental rural broadcasting service in the Midnapore district. Grants for these two objects are given to the Political Department; the grant for the improvements in the Chittagong Hill Tracts is to be given to the Revenue Department; and the discretionary grants to Commissioners and District Officers come under the General Administration, again the Political Department. Therefore, Sir, instead of economically uplifting the province, I mean the rural population, the Bengal Government want a portion of this money to be devoted to the political uplift of the rural population by means of broadcasting and other things; and that is made absolutely clear in page 5 of the memorandum circulated to us, where Government say that the wireless transmission in the Midnapore district will be "for propaganda talks of the kind required by the people of Midnapore." Well, Sir, we all know what kind of propaganda talks are necessary for the people of Midnapore according to the Government Benches. We all know that these propaganda talks will be talks on political subjects. This sum will be spent by the Political Department; and the

huge sum of Rs. 2,17,800 will be given to the Commissioners and Collectors to be spent on supplementary projects—supplementary to those adumbrated here—probably some of the money will be spent on temporary additions to the Intelligence Branch of the Criminal Investigation Department or the Terrorist Hunting Department. (KHAN BAHADUR MUHAMMAD ABDUL MOMIN: This cannot be done.) My friend says this cannot be done. Why not? It is supplementary to this sort of propaganda talks which are "required by the people of Midnapore." A Special Branch of the Criminal Investigation Department or a Special Branch of the Police for Searching for Revolvers would be a good supplement to these propaganda talks. As I said at the beginning, it appears to me that the Hon'ble Sir John Woodhead in bringing this motion before this House, is not taking the House very seriously. I would ask him if this had not been a windfall and if he had to find this money out of the depleted revenues of the province, would he have sanctioned as Finance Member a waste of Rs. 16 lakhs in this way?

The Hon'ble Sir JOHN WOODHEAD: Sir, may I point out that Mr. N. K. Basu knows as a member of the Public Accounts Committee that the Finance Member has no power to sanction any expenditure? I am sure Mr. Basu knows it as well as I do.

Mr. NARENDRA KUMAR BASU: Sir, probably the word "sanction" was a mistake. I should have said: "whether he would have 'acquiesced' in the distribution of Rs. 16 lakhs in this fashion." Sir, my submission is this: I doubt very much if this debate has any reality about it, because it has already been stated by the Finance Member that the distribution of the grants has been sanctioned by the Government of India. If that is so, I do not think there is any reality in this debate. I submit that of these proposals—out of the thirteen given here—at least the four that I have mentioned cannot by any manner of means or stretch of language be said to relate to the economic uplift of the rural population of the province. Apart from that, if you delete these, what remains? As has been pointed out by speaker after speaker, Government really intend to fritter away this money which they have got as a gift from the gods of Simla.

Sir, rural uplift in Bengal can have only one meaning. The only thing now necessary for the uplift of the people—the first thing—is that the people should live, and then they should be lifted up. Most of the rural population, Sir, have got to be lifted up when dead. But what the Government of India want is that they should be lifted up when still alive; and my submission is that apart from food which under this grant you cannot give, you want to give them the opportunities for better living and the opportunities for living free from

diseases which are preventible. It is well known, Sir, that the one thing required in the villages is pure drinking water. I may say in passing that I do not mind the grant of Rs. 2 lakhs to the Education Department for the introduction into selected secondary schools of agricultural and manual training: the provision of school play-grounds in rural areas, village play-grounds and village libraries and halls, though I should have very much wished that instead of this amazing list here the Education Minister had restricted himself to providing village play-grounds and village libraries. Sir, these village libraries are very much necessary now, more especially so when the new Constitution is in sight. They are very much necessary now—very much more necessary still—because the Primary Education Act has failed. If there were compulsory and free education in the country, the efficacy of these village libraries would not have been as great as it is now under the present circumstances. I do submit that apart from this Rs. 2 lakhs to the Education Department, the whole of the balance ought to be given to the Minister in charge of Public Health for devising and carrying out means for saving the people. You have got to save the people: to save them from death: to save them from emaciation: to save them from the attacks of preventible diseases. It is no use waiting for the time when under the Bengal Development Act, Bengal will be reclaimed. That time is a long way off yet. This 16 lakhs we have got now and out of this, Rs. 14 lakhs you can spend in saving the people of Bengal. Give them health if you cannot give them wealth. If you can give them health, it will assist them in procuring wealth. Give them these village libraries where they will get some sort of education—not necessarily political education. But to fritter away money in wireless broadcasting and propaganda talks of the sort "required in Midnapore" and for the matter of that required all over Bengal—to fritter away money for the improvement of poultry and cattle and the improvement of guinea-pigs and that sort of thing—was not contemplated by the Government of India. I say deliberately that the present plan is to do as little of rural uplift work for the villages which the Government of India want as any that can be devised by the wit of man.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I shall take only a short time in referring to one matter which has arisen in the course of the debate, particularly concerning the Education Department. I am indeed very grateful to my friends, Mr. Narendra Kumar Basu and Khan Bahadur Abdul Momin, for their recognition of the fact that the subjects which are to be taken up in the Education Department are very much important in regard to the uplift of the people in the villages. Many speakers of the House seem to forget the fact that village uplift cannot be done if only water-supply is provided for. Many forget that life has to be taken as an entire quantum and

if life is to be improved a man has to be improved; he is not merely to be taken in one individual aspect only, but as far as possible in the varied bundle of activities. (KHAN BAHADUR MUHAMMAD ABDUL MOMIN: How far can the sum of Rs. 16 lakhs do this?) My friend asks how far the sum of Rs. 16 lakhs can carry us. Sir, my answer to that is: If you can find more money, very well do it. But I would ask my friends one thing and that is whether they will be prepared to accept the proposition that if they want only to improve the health of the people, the Education Department should be abolished and the education centres of the district boards should be abolished as quickly as possible, the Agriculture Department should be shut up altogether and the only thing that should be done is to supply more water and nothing but water. That seems to be the cry and nothing else. On the other hand, Government cannot be possibly shirk its responsibilities in looking to the various needs of the different aspects of life. I think rural uplift has to be taken as a whole, and it means the improvement of the environments in which the people live. As some of my friends have pointed out, it means living, and it is from that point of view that the question has to be approached. If anybody says that these projects are of no use and they will not lead to any improvement in rural uplift, I can understand it; but I do not understand why it can be said that the entire amount of Rs. 16 lakhs should be spent on one project alone, because the varied conditions of the different places in Bengal are such that there may be a place where the need is more than that of another place. And even if my friend recognises that one thing would not do, he mentioned at least three or four things; there are other people who mentioned five or six things. Surely, Government is not to be condemned if it thinks that there are one or two more factors which should be considered with a view to the uplift of the people. I am speaking for the time being of the economic proposals. Criticisms regarding marketing questions have been made. As Mr. Basu had said in the matter of marketing, it concerns the future economic well-being of the people. Members will remember that this was one of the items recommended, but for the time being, is it not time that something should be done with a view to prepare for marketing? If this can be tackled, this problem will be of immense help to the people. Similarly there are other aspects in the various demands. The money is not available and we have no experience. Is it not desirable that something should be done with a view to get information as to how to do things and if we are successful in our experiments money will be devoted to the uplift of Bengal? I have said before it is not a question whether we have any right to spend money for experiments. These are not merely for the sake of experiments in which judgment has been definitely pronounced that these are likely to benefit the people. These are the objects to which the Government is prepared to devote the amount of money which has been allotted by the Government of India.

Sir, as regards the Education Department, there are one or two matters on which I wish to speak. Even though we have given different items, my friend will see that these items have been banded together. In other words, it is not necessary that where a farm is not existing we must seek to give more, but if we find any real need of the people it is then the item to which money would be devoted.

As regards the question of village uplift, I have made it clear in the memorandum which has been presented by the Finance Department that in so far as a village is concerned this item is something like development of community life in a village. The idea is that there should be more enlightenment and knowledge among the people and the idea is, therefore, that whenever a union board building is available or some such suitable building is available, then no money will be spent in building purposes. There may be circumstances, as Mr. Quasem has pointed out, that an area which is backward economically cannot pay its own way; it is then and then only we think that a hall should be prepared so that the villagers can congregate there not merely to exchange ideas but also to get the benefit of the books that might be available there. I have been asked how many libraries I can get. If I get Rs. 500, I am sure 500 libraries might be given, but this will be of an experimental nature. I yield to none that in the matter of rural uplift where there are many things to be done the whole of the Rs. 16 lakhs will not be sufficient, because speaking on behalf of the Education Department I do say that education is absolutely necessary for uplift in a village and with a view to achieve this end, we have put forward the scheme mentioned in the memorandum. I do not wish to take much time of the House. I only say that in the matter of Education Department they will follow the same principles, as Mr. Bannerjee has suggested, *i.e.*, on the basis of population and on the basis of local needs. It is not the establishment of so many things in the district of Nadia or so many things in Mymensingh, but the principle of the department will be the definite factor of population in a village, and of local needs. Sir, I feel that the motions in so far as the Hon'ble Finance Member is concerned should be accepted by the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not propose to refer to the general principle of distribution suggested in the amendment moved by Mr. J. L. Bannerjee. I would only attempt to justify the two schemes put forward by the Department of Local Self-Government, namely, that for the union board dispensaries and water-supply. As regards water-supply I find that already there is an overwhelming opinion in its favour in this House, and I need not speak on that point. I will, therefore, confine my remarks to the other scheme, namely, rural union board dispensaries.

Government propose to distribute the amount exactly on the same basis as suggested by Mr. J. L. Bannerjee, namely, on population, area and local needs. Sir, we also propose to consult the chairmen of the district boards in allotting dispensaries to a particular area. We would also make it a condition that no dispensary should be established in an area which is already served by another dispensary. This would meet the point raised by my friend Mr. Quasem. In fact, that was the condition of the Government grant to dispensaries and that was accepted unanimously, if I may remind Mr. Bannerjee, by the chairmen of district boards at their conference last October, and Government propose to stick to that policy.

Sir, at present Bengal has about 148 union board dispensaries, and if we spend about Rs. 1,800 on each dispensary, the province will get another 100, so the increase will be certainly about 75 per cent. That is no small increase. The idea is that about Rs. 11,000 will be spent on the building, Rs. 500 on equipment, Rs. 200 on tube-wells where necessary. That is about Rs. 1,800. Thus these 100 dispensaries would require a recurring expenditure of Rs. 800 each. Out of this Rs. 800 Rs. 600 will come from the union board, the idea being that a group of union boards, a group of three would subscribe the recurring expenditure out of the union board funds. (A VOICE: Out of what?) Out of their resources. It would be located at a central place, so that the three union boards would get the advantage of it. The balance 200 should be contributed by the District Board.

Babu JITENDRALAL BANNERJEE: Under the departmental rules they cannot combine.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The dispensary would be established only where the union boards would so combine and the local people would decide to have a union board dispensary. If in a particular district, the union boards refuse to undertake the recurring liability, the money would be transferred to water-supply. So it is an optional scheme, pure and simple. Dispensaries will not be thrust upon union boards. If a group of union boards desire to have any such dispensary, then and then only will it be given to them.

Babu JITENDRALAL BANNERJEE: If they combine to support a dispensary, it will no longer be a union board dispensary; it will be a Class 3 dispensary.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Under the amended Village Self-Government Act, I believe, they can jointly start

a union board dispensary. If a particular area does not want to have a union board dispensary, the money will be transferred to water-supply.

Sir, as regards the guarantee of the union boards continuing to find the recurring expenditure and the sanction for enforcing the terms, I would submit that the decision of the union boards, based on local opinion is the best guarantee, and if the union boards after accepting a dispensary refuse to find the money, it would be up to the district board to find the money out of the grant which the district board makes to those union boards. So there will be no difficulty about enforcing the promise. The sanction is there—(A VOICE: If there is nothing to spare from the district board, what will be the position?) Only those union boards as I have said more than once that have anything to spare will undertake the liability willingly and will have the dispensary. It will not be thrust on the union boards that are unable to bear the expenditure. My friend will bear this point in mind. There are union boards in this province which tax themselves to the extent of Rs. 1,000 to Rs. 1,500 under section 37 (*b*). Certainly those union boards are quite competent to bear the expenditure. Where union boards are unable to bear the expenditure, they will not have the dispensary. They will have the water-supply scheme. That is the proposal and I would ask hon'ble members to bear this point in mind in voting on this motion.

Mr. W. H. THOMPSON: When I heard Mr. Bannerjee, it apppeared to me that he had made out a very strong case, which was accentuated, if anything, by the turn given to it by Mr. B. C. Chatterjee. If any impression is to be made on things as they are it is surely better to concentrate on one object on which something can really be done. But, Sir, may I put another point of view? It is not only a question of spending 16 lakhs. This is a beginning. We shall shortly have a differently constituted Government in this province. We hope we shall have different financial arrangements, and we certainly shall have in this House a majority who will be prepared to some extent to stake the credit of the province and for big purposes to borrow—to borrow for purposes of rural uplift. Only on borrowed money, only on borrowed capital can a great and real impression be made. This grant has been given us for rural uplift. What is rural uplift? Well, we know what the exact opposite of rural uplift is; we see it on all sides, a state of complete stagnation where nothing is done, where nobody knows how to help himself for want of money. Nobody knows how to lift his foot out of the present slough of despond. Instead of concentrating or trying to make an impression on one item by this grant, I grant a great impression can be made if you spend this 16 lakhs on 8,000 tube-wells; there would be a great improvement made to the water-supply in the province. It has been remarked that

this is a non-recurring grant, but don't think you are never going to get more than Rs. 16 lakhs; more is coming later. By rural uplift I mean uplifting the whole countryside from its present mental and physical stagnation, giving the people hope and radically altering the limits they now set to their aspirations. The last two speakers on behalf of Government both missed the real point. I am just helping them out. I think Government were right in so allocating this money, frittering it away it may be, frittering the money itself, but it will teach the people, it will wake the people up to show them in how many different ways uplift can come. (A VOICE: What about broadcasting?) As regards broadcasting, many ideas can be disseminated by broadcasting, but Mr. Narendra Bose's was an effort to draw a red herring across the trail. Broadcasting for political purposes is barred by the Government of India's instructions. Government will, by distributing this grant as they propose to do, give a fillip to a number of different schemes by which a number of different sorts of objects will be developed, and I hope and believe they will be developed further under the new Constitution in the future.

Babu JATINDRA NATH BASU: The debate that has taken place has made it clear that the wants of our rural population are many, and that they are as widespread as the boundaries of this province. The main objection that has been directed against the scheme placed before this House by the Hon'ble Finance Member is this—that he has sought too many objects on which to spend the grant that has been obtained from the Government of India. Sir, Mr. Thompson has said that the expenditure as contemplated by Government will merely show the way so that in future big schemes may be undertaken on the lines that may be found to be feasible by the expenditure so incurred. But, Sir, I desire to point this out to the House that, say, for the eradication of malaria in a certain locality, apart from other measures, a thorough quininisation becomes necessary. For protection by quinine of the population or the bulk of the population for a fairly good length of time, say, about 200 doses are necessary. If you finish off after 2½ doses, you do no good to the people, while if you concentrate upon expenditure on a particular object by trying to bring that experiment to a finish then you lay down a line of action which may be followed in future. When Sir Surendra Nath Banerjea was Minister for Health, he was experimenting on the eradication of malaria in different localities in Bengal. He concentrated upon a particular area in the Murshidabad district and he stated in this House that that scheme had succeeded to a certain extent and if that scheme succeeded completely then the idea of which Mr. Thompson has just spoken might have been adopted. Sir Surendra Nath Banrjea stated that if the experiment succeeded, he would come forward before this House with a proposal for a loan of two crores of rupees so that the scourge of

malaria might be effectively dealt with by the Government. It is no use, having regard to the vast area that has to be dealt with and the number of things requiring attention, that we should spend small sums of money on so many objects.

I suggest to Government to consider seriously that instead of all the districts which constitute the province of Bengal being dealt with, only a few localities in chosen areas, say, one locality in East Bengal, one locality in North Bengal and one locality in West Bengal, be chosen and the most urgent need of that locality be ascertained and effective measures, that are available with our present knowledge for meeting that need, be undertaken; and if those succeed then that success will be the column of light which will lead us through the darkness through which we are groping. That would be a practical thing to do. I would, therefore, urge upon the Government to consider the general view that has been urged by a great many of the members of this House that instead of going over the thirteen objects mentioned in the Hon'ble Finance Member's memorandum they should choose a few which are most urgent. You must look after people's needs first before you look after their luxuries. Broadcasting or the Bratachari Movement may very well wait: with malaria, cholera and floods in their midst the people have to do with the dance of death in the localities in which they live and they may very well do away with the Bratachari Dance for the time being. The Government should feel the pulse of the people and see as to what is really needed and what they would most appreciate: that is what is required. Instead of laying down a hard-and-fast rule from the top they should proceed from the bottom, think as the people think, feel as the people feel, so that they may know what is most needed, what is most widely needed, and then take a few measures trying to make those measures a success. They will lay down the path through which this Government and the future Governments of the country may tread to achieve the uplift of the people.

Maulvi SYED MAJID BAKSH: I entirely agree with the resolution that has been under discussion for three hours in this House. I think that from all that has been said by the previous speakers this one fact has come out indubitably that the health of the rural people counts first before anything else. I am not ambitious enough to extend my vision through all the provinces; I am modest enough and I shall be pleased if I succeed in confining my remarks only to my district and to the health of my district. One of the projects upon which various speakers have concentrated and have agreed upon is the eradication of malaria. I think quininisation is not the only panacea for the eradication of malaria. Experts have agreed that the first and foremost thing to do for the eradication of malaria is flushing and that flushing will

drive out malaria. I am directed to this particular aspect of the thing by the fact that I need it most. I have got five or six dead rivers in my district, not dead but decadent, which are still flowing in a comatose condition, if I may say so, which a little effort will revive. I, therefore, suggest that instead of distributing the amount on thirteen items, some of which are unimportant and might be dispensed with, we should concentrate on important items such as the eradication of malaria and improvement of the health of rural population, especially of my district. I am not one of those who would speak against water-supply, because I think water-supply is also necessary. What I think is that concentrating upon water-supply and water-supply alone is a mistake. Some of my friends have concentrated upon the introduction of tube-wells—10 or 13 thousand tube-wells spread all over the province. My friends should remember that mere sinking of tube-wells will not do as they get out of order after a short time.

Mr. B. C. CHATTERJEE: They will last for 20 years.

Maulvi SYED MAJID BAKSH: They are no good for 20 years. Mr. Chatterjee has no knowledge of tube-wells: I am a member of a district board and I can speak with knowledge that a tube-well will remain in order without repairs for 3 years.

Mr. B. C. CHATTERJEE: That is due perhaps to bad contractors.

Maulvi SYED MAJID BAKSH: You may say whatever you like, you may rise to heaven on the wings of theory, but it is not a fact. And then these tube-wells are saddled with additional expenditure for their upkeep. Who is going to shoulder it? Will the district board shoulder it? We do not know as yet whether they will do it. Ten thousand tube-wells sunk all over Bengal and distributed in the districts will mean a large draught upon their depleted income. I would like to know if any district board can shoulder it before I agree to the sinking of tube-wells. Then, Sir, inexperienced men who have no knowledge of things think that tube-well water is nectar. You first learn the constituents of tube-well water. Some tube-wells contain hard water and also a lot of minerals. Those who cook with tube-well water know that certain kind of food cannot be cooked with it. And it does not agree with certain people's constitution.

Mr. B. C. CHATTERJEE: The resolution does not mention tube-wells, but only water-supply.

Maulvi SYED MAJID BAKSH: You have spoken to a great extent about tube-wells. That is your point of view. But if you mean by water-supply the flushing of rivers and canals and of bringing of silt laden water from the Ganges I am at one with you. Do not disguise yourself with something which you do not mean. There is one thing that I would like particularly to mention and for which I have risen: otherwise, there would be no necessity. In my district as the census report will show people are dying in thousands—about 8,000—from malaria every year and for that the decadent rivers are responsible. For that reason one of the decadent rivers, Kopotakhi, has been resuscitated, and has been joined with what is known as the Joynagar Cut. I went to the Hon'ble Minister in charge of the Local Self-Government Department requesting him to ask the authorities of the Nadia district as well as chairmen of district boards to open the cut, and, of course if the money wanted as compensation cannot be found from anywhere else, it can surely be found from anti-malaria grants, though I am sure that that amount will be necessary. The Hon'ble Minister, however, has refused to accede to my request. Sir, in this way another year will run out and some 2,000 people more will die of malaria, according to your calculations. Are the lives of 2,000 people so valueless that they cannot counterbalance the paddy grown on 150 *bighas* of land? You want to improve the health of the people, but how can you do that?

If the Hon'ble Minister is very serious in his intentions to improve the health of any particular district or districts—not of all the districts taken together—say, of my own poor district—poor as I am, I am especially referring to the case of my district—let him go and ask the district board authorities to open the cut so long as the flood is in existence there; otherwise, if you go there when there is no flood you will find the beds dry and without any water whatsoever. I ask him in all seriousness to make some arrangements with the district boards and the district authorities and to find out whether out of the money that will be allotted to my district, or with any other funds that may be at their command, it would be possible to have this cut opened; otherwise, the health of the district will deteriorate. I submit, Sir, that there will be no scope for applying all these thirteen items for the benefit of the people if their health is not improved.

Then, Sir, I gave notice of an amendment to delete items Nos. 2, 3, 4 and 9 up to "manual training," and 10 of the Hon'ble the Finance Member's motion; that is I think that the improvement of cattle and fodder-crops, the improvement of poultry, propaganda work in the districts, the introduction into selected secondary schools of agricultural and manual training, and grants-in-aid of the Boy Scout, Girl Guide, and Bratachari Movements, might very well be postponed for the present. Of the remaining items, only three or four are important; but

the most important of them all is the item relating to minor drainage and flushing schemes of rivers in rural areas—I mean the resuscitation of dead and dying rivers. These three or four important schemes should be taken up and proceeded with without frittering away the energies of Government in all and sundry directions as my friend Mr. J. L. Bannerjee has said.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Please name them.

Maulvi SYED MAJID BAKSH: Sir, I should like to say that item No. 1, viz., that relating to the establishment of seed, paddy, and crop-demonstration centres, should be retained. As regards item No. 9, I want the provision of school play-grounds in rural areas, village play-grounds, and village libraries and halls. Further, I consider that items Nos. 11 and 13, which relate to minor drainage and flushing schemes in rural areas, and discretionary grants to Commissioners and District Officers, respectively, should also be retained. These are the four items which I consider to be most important.

Mr. P. BANERJI: On a point of order, Sir. Is the hon'ble member moving his own amendment or speaking on the one moved by Mr. J. L. Bannerjee?

Maulvi SYED MAJID BAKSH: It would seem that Mr. P. Banerji's discretion and discernment are better than those of the Chair! (Laughter.)

I repeat that only four or five important items, such as I have enumerated, should be taken in hand and the rest dropped for the present.

Finally, I would submit that if the water-supply scheme, which has been so ably sponsored by so many speakers this evening, were combined with the minor drainage and flushing schemes in rural areas, then I could have given my whole-hearted support to it; otherwise—and if this is not done—I do not think that I shall be able to support it unless I am given to understand that the combined scheme which I have envisaged will be supported.

(The Council was adjourned at this stage for 10 minutes.)

(After Adjournment.)

The Hon'ble Sir JOHN WOODHEAD: Sir, Mr. Jitendralal Bannerjee's amendment in its final form falls into three parts. The

first I would describe as the "frittering" part; the second as the second portion of his amendment as originally worded; and the third the addition made in order to meet Mr. B. C. Chatterjee's wishes.

As regards the first part, Sir, I must protest against the use of the word "frittering." It is not correct to describe what we propose to do as "frittering away the money." Sir, numerically it is correct to say there are thirteen schemes, and I admit that "13" is an unfortunate number. But if Mr. Bannerjee will examine our proposals in more detail he will find that 14 lakhs out of the total amount available of 16 lakhs, that is 7/8ths of the total amount available, is to be spent on six schemes, which in some ways really amount to five. These six schemes are the establishment of seed paddy, and crop demonstration centres, the improvement of cattle and fodder crops, water-supply and village dispensaries, the attachment of farms or workshops to secondary schools, village playgrounds, etc., drainage and flushing schemes, and discretionary grants. As everybody knows, Sir, discretionary grants are distributed by Commissioners and Collectors, and I believe a considerable amount of this money often goes to water-supply. What I maintain, Sir, is that it is not correct to describe our proposals as tantamount to spending the whole amount of this special grant on thirteen schemes: that is not a correct description, for we propose to spend 7/8ths of the total amount available on six schemes, and six is less than half of thirteen.

As regards Mr. Bannerjee's proposal that the amount should be distributed among the different districts of the province upon a combined basis of area, population and local needs, I do not know whether members of this House noticed—Sir, I was particularly careful to notice it—that Mr. J. L. Bannerjee himself said nothing about distribution with reference to local needs. And I believe that omission was intentional on his part, because he realises that it is extraordinarily difficult to determine the relative needs of the different districts; in fact, Sir, that is the first difficulty I experience as regards this portion of his amendment. A system of distribution based on population and area I can understand and such a system can be applied without difficulty. But when we come to a distribution on the basis of needs, I find myself in great difficulty, for I can think of no formula according to which needs can be assessed. Again, Sir, I am quite in the dark as to what needs are to be taken into account; Mr. Bannerjee's amendment does not specify them, nor did he detail them in his speech. Perhaps, he too finds himself in the same difficulty as I have experienced, and perhaps that is why he made no endeavour to deal with this part in more detail.

Sir, Mr. Bannerjee proposed that the money should be distributed according to needs. But that is what we also have endeavoured to do

for in formulating our proposals we have kept prominently before us the needs of the province. Sir, there are certain items, the expenditure in regard to which is distributed more or less throughout the province, over all the districts, while the expenditure on other items will be more concentrated in certain parts of the province. Take for instance the scheme for the improvement of cattle and fodder crops: that scheme is confined to ten districts: again the flushing and drainage schemes will not be distributed uniformly all over the province: in all probability —though no final decision has been reached on this point—the decadent areas of the province where flushing and drainage schemes are most urgently required, will be the areas which will benefit most by the expenditure on such schemes. On the other hand the money proposed to be allotted to water-supply and dispensaries will be distributed throughout the whole province—each district will obtain a share—and I would ask the House to remember this point in particular, that so far as expenditure on these two items is concerned, it will be left to the local people to decide whether they are willing to spend money on dispensaries; if dispensaries do not receive the support of local opinion, then the money will be available for water-supply schemes, the need for which so many members of the House have drawn pointed attention to-day.

Again, Mr. Bannerjee's amendment says that the money should be devoted exclusively to some one or at the most to some two of the crying needs of the locality and he justified this proposal by saying that as no district will get less than Rs. 50,000 or more than Rs. 70,000, it would not be possible to carry out fully more than one or at the most two schemes in each district. Sir, although this is not a matter of major importance Mr. Bannerjee's calculations are not correct: I myself worked out some days ago what Mr. Bannerjee's own district, namely, Birbhum, would get on a population and area basis. On a population basis it would receive Rs. 30,000 and on an area basis Rs. 35,000, whereas Mymensingh would receive something in the region of 1½ lakhs on the same method of calculation.

Babu JITENDRALAL BANNERJEE: What about local needs?

The Hon'ble Sir JOHN WOODHEAD: Mr. Bannerjee did not say anything about local needs, and I trust Mr. Bannerjee will not contradict me on that point for I listened to his speech with particular attention. There was no mention of local needs in his speech. He supported his proposal by saying that if the money was devoted to one or two schemes it would be possible for a district board to carry out one or two schemes fully. But so far as I can understand, Sir, this is not so. For instance, take Birbhum. Birbhum has an area of 1,699 square miles

and Rs. 32,000 divided by 1,699 gives an amount *somewhere in the* region of Rs. 20 per square mile, and Sir, I cannot conceive of any scheme, whether it be water-supply, eradication of malaria, improvement of cattle, in fact any scheme whatsoever, which can be completed at a cost of Rs. 20 a square mile. (Interruption from Mr. Bannerjee.) I did not interrupt Mr. Bannerjee and would ask him not to interrupt me. Sir, what I maintain is that no one scheme can be worked out to completion on the basis of Rs. 20 per square mile.

Now, Sir, I return to the items of the Government scheme, that is, the objects to which Government propose to devote this money. We have, as I have said, endeavoured to meet needs, and I am sure the House will agree that the objects which we have selected are objects which can be described as the pressing needs of the province. Take for instance paddy seed: if we can improve the outturn of paddy we shall confer a real benefit on the cultivators. One hundred and fourteen union boards have already undertaken this scheme. This shows that the scheme is appreciated locally: 114 union boards already have such paddy seed farms. We hope to increase this number by several hundreds and if we do so—and the scheme offers every promise of success because it has proved a success in certain areas—we shall be increasing the outturn of paddy; thereby we shall be increasing the wealth of the cultivators and shall be able to take some part of the load of care from their shoulders. Then as regards the improvement of cattle: can anybody in this House deny that the improvement of cattle is a most important need in Bengal? The scheme which has been put forward has been tried in two districts, and it has been accompanied by a considerable amount of success. Again experience offers hope of success and we trust that this scheme will confer on the ten districts a very considerable measure of benefit. Again, if we can succeed in improving the breed of cattle in ten districts we hope that other districts will later on take up the scheme. Then, to turn to drainage and flushing schemes: Sir, I have frequently heard arguments in the House in favour of more and more money being spent by Government on drainage and flushing schemes. Many areas in Bengal, particularly Central Bengal, will benefit greatly from minor schemes designed to drain and flush the country side. The schemes which will be taken up have not yet been definitely settled, but as stated in the memorandum, they will be selected in consultation with local opinion. The schemes which will meet with the approval of the district boards will be the schemes that will be carried out. I now pass on to the great question of water-supply and I think Mr. Thompson is right when he says that it would not be wise to spend the extra grant on one particular project, such as water-supply. Indeed, Sir, I do not know what is exactly the intention underlying the insertion of "water-supply" in Mr. Bannerjee's amendment. The amendment as now worded appears

to require that the grant shall be devoted almost exclusively to water-supply projects; in fact, it seems to me that although Mr. Bannerjee perhaps did not realise it, the effect of the addition to his amendment —an addition which he accepted—is to limit the expenditure to works of water-supply. And I am not certain that all those members who spoke in support of Mr. Bannerjee's amendment realised this or intended that the expenditure should be limited to water-supply. Khan Bahadur Abdul Momin, although he supported the amendment, advocated expenditure on more than one object—rural water-supply, the eradication of malaria—malaria can to a considerable extent be eradicated by the beneficial effects of drainage and flushing schemes—and finally the primary education of girls. Then Maulvi Abul Kasem stressed water-supply but afterwards quietly inserted drainage and flushing schemes. Again Nawab Musharruf Hossain stressed the importance of water-supply and then passed on to malaria and jute-marketing. Sir, if there is one point clear from the debate it is that many members of the House have their own individual ideas as to how this money should be spent; their ideas are certainly not in agreement, nor are they wedded only to water-supply schemes.

As regards water-supply, if our proposals are examined, I hope, it will be agreed that we propose to devote a considerable amount of money to water-supply. First of all, Rs. 3,50,000 is to be devoted to water-supply and dispensaries. If local opinion favours water-supply and not dispensaries the grant will go to water-supply. Then, there are drainage and flushing schemes which certainly will improve water-supply. If rivers are flushed, water-supply is likely to be improved far more than by digging half-a-dozen tanks. Then, the discretionary grants as I have explained, will be given to Commissioners and District Officers and these grants are often given to schemes for digging tanks, sinking wells and so forth. So, we have in our own proposals favoured water-supply to a considerable extent. I certainly realise the importance of improving the sources of water-supply and I feel sure the House will agree that our proposals give considerable prominence to water-supply schemes. There is also one more point about water-supply I would like to mention. A considerable amount of money is already spent every year on water-supply. The district boards spend about Rs. 6 lakhs and Government make an annual grant of Rs. 2 lakhs and also provide funds for loans; that is Rs. 8 lakhs in all is spent annually on water-supply. Would it be wise, Sir, in view of the considerable amount of money that is now spent on this object, to spend the whole of the grant of Rs. 16 lakhs on improvement of water-supply to the exclusion of other needs which are equally urgent and to which members of the House have repeatedly drawn attention in the course of the Budget debates?

As regards agriculture, we have had many arguments recently as regards the need for new crops in place of jute. The proposed crop demonstration centres will demonstrate the possibility of substitute crops such as ground-nuts, sugarcane, etc. Is not this, Sir, a sufficient justification for spending part of the grant on these demonstration centres?

Sir, I oppose the amendment.

The amendment of Babu Jitendralal Bannerjee, as amended in Council, being then put, a division was taken with the following result:—

AYES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Hassan.
Ali, Maulvi Syed Rausher.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barma, Babu Prembari.
Basu, Mr. Narendra Kumar.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Bhani.
Chowdhury, Maulvi Nural Absar.
Dutt, Rai Bahadur Dr. Haridhan.
Faziullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Kasem, Maulvi Abul.
Maiti, Mr. R.
Mamin, Khan Bahadur Mohammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Quasem, Maulvi Abul.
Ray, Babu Amulyadhan.
Ray, Babu Ragendra Narayan.
Ray, Mr. Shanti Shekhareswar.
Raut, Babu Hoseni.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Abshay Kumar.
Sen, Rai Bahadur Jogesh Chandra.
Singh, Srijut Taj Bahadur.

NOES.

Afzal, Nawabzada Khwaja Mohammad, Khan Bahadur.
Arthur, Mr. C. G.
Bal, Babu Lalit Kumar.
Bal, Rai Bahadur Sarat Chandra.
Basu, Mr. S.
Bose, Mr. S. M.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Guruprasad.
Eusufji, Maulvi Bur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., of Ratanpur.
Fawcus, Mr. L. R.
Gilchrist, Mr. R. N.
Gladding, Mr. B.
Guthrie, Mr. F. C.
Haidar, Mr. S. K.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. B. P.
Hooper, Mr. G. G.
Hussain, Maulvi Latafat.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Razaur Rahaman.
Khan, Maulvi Tamizuddin.
Lamb, Mr. T.
Lesson, Mr. G. W.
Lockhart, Mr. A. R. E.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brajendra Lal.
Mullick, Mr. Mukunda Behary.
Nandy, Maharaja Sris Chandra, of Kasimbazar.

Nazimoddin, the Hon'ble Khwaja Sir.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray, Babu Khetter Mohan.
Roy Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J. B.
Rosbergh, Mr. T. J. Y.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Satiswar Singh.
Roy, Mr. Saral Kumar.
Roy Choudhuri, Babu Nem Chandra.
Sadaullah, Maulvi Muhammad.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. J. R.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

The Ayes being 29 and the Noes 56, the amendment was lost.

Mr. PRESIDENT: Order, order. The original motion is talked out The Council stands adjourned till 3 p.m. on Friday, the 23rd.

Adjournment.

The Council was then adjourned till 3 p.m. on Friday, the 23rd August, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 23rd August, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 97 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Assistance obtained from union boards in administrative matters.

*68. **Haji BADI AHMED CHOWDHURY:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that Government get the help of the union boards in the following, namely—

(*i*) preparation of the death and birth registers;

(*ii*) preparation of the electoral rolls for all elections;

(*iii*) enumerating cattle, tobacco dealers and license-holders of different kinds;

(*iv*) preparation of list of convicts and suspects;

(*v*) arresting absconders;

(*vi*) making enquiries in the criminal cases;

(*vii*) investigation of cases by judicial officers and the police;

(*viii*) attachment of properties by the process-servers and Nazirs;

(*ix*) raising subscriptions of various kinds; and

(*x*) many other matters?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what remuneration, if any, is given to the union boards by the Government?

(*c*) If no remuneration is paid, are the Government considering the desirability of granting remuneration to the union boards in future? If not, why not?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Local officers obtain the assistance of union boards in administrative matters such as those mentioned by the member. Government are not, however, aware that the help of union boards is taken in raising subscriptions.

(*b*) No payment is made.

(*c*) No, as no material addition to the expenditure of union boards is involved.

Maulvi SYED MAJID BAKSH: Is it not a fact that such work entails additional expenditure in the shape of services rendered by the union boards?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, Government obtain the assistance of union boards in such matters.

Maulvi SYED MAJID BAKSH: As such, is it not proper that some remuneration should be given by Government for the labour and time spent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the work of the union boards is generally honorary; so no money value is attached to the time spent by them.

Maulvi SYED MAJID BAKSH: Is the work of the chaukidars and dafadars honorary?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They are paid for by Government.

Maulvi SYED MAJID BAKSH: Why, in that case, should they not be given some remuneration for work rendered in this connection?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The work rendered by them is considered to be a part of their normal duty.

(Haji Badi Ahmed Chowdhury asked a few supplementary questions in Bengali, the following being an English translation of them.)

Haji BADI AHMED CHOWDHURY: With reference to answer (*c*), is it not a fact that for this additional work extra men with increased rate of remuneration have to be engaged by the union boards?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information, Sir,

Haji BADI AHMED CHOWDHURY: Why should not any remuneration be given to the union boards when remuneration is given in such cases to municipalities?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So far as my information goes, municipalities do not get any additional amount for the preparation of voters' lists.

Haji BADI AHMED CHOWDHURY: Does the Hon'ble Minister take any cognisance of the fact that all the union boards of Bengal prepare a list of voters about 70 times more than enumerated by all the municipalities?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I cannot say what is the proportion.

Mathabhanga river.

*89. **Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department considering the desirability of constituting a committee consisting of persons interested in irrigation problems and of approaching the railway authorities to nominate members on it to go through the whole question of the canalisation of the Mathabhanga in order to increase the outflow of water from it for the purpose of improving the dead and dying rivers of Nadia and Jessore and also in the interest of the Hardinge Bridge?

(*b*) Is the Hon'ble Member aware that the railway authorities are not averse to such a course of action?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Government are advised that the appointment of a committee at this stage would serve no useful purpose.

(*b*) No. Steps have, however, been taken to ascertain the views of the railway administration regarding the proposal in so far as it may affect the Hardinge Bridge.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state who is trying to ascertain the views of the Railway administration?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Chief Engineer.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether the letter ascertaining the views of the Railway administration has already been issued?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Maulvi SYED MAJID BAKSH: When does the Hon'ble Member think the communication will issue?

The Hon'ble Khwaja Sir NAZIMUDDIN: As soon as the Chief Engineer gets a little time.

Kidnapping cases.

*70. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement for the last three years showing:—

(*i*) the number of kidnapping cases brought to the notice of the police;

(*ii*) the number of cases sent for trial;

(*iii*) the number of cases in which the accused person or persons were convicted;

(*iv*) the average age of the girls indicating the community to which they belong; and

(*v*) the age and the community of the persons so convicted?

(*b*) What steps, if any, have the Government taken to check the evil?

(*c*) Do the Government contemplate a measure providing exemplary punishment for such offences?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*), (*b*) and (*c*) The member is referred to the reply given to starred question No. 31 (*a*), (*c*) and (*d*) in the last February session of the Council. Statistics for 1934 and details of the age of the persons concerned are not available, and Government regret that they are not prepared to undertake the laborious enquiry which would be necessary to obtain them.

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state if flogging in addition to imprisonment and fine has been introduced in such cases?

The Hon'ble Mr. R. N. REID: No, Sir; the Act does not provide for it.

Beggar problem in Calcutta.

***71. SETH HUNUMAN PROSAD PODDAR:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the congregation of beggars of various nationalities and races in Calcutta is proving a regular nuisance to the public;

(*ii*) that a number of beggars in Calcutta suffer from infectious diseases; and

(*iii*) that there is a source of great danger to the health of the city from the beggars suffering from infectious diseases?

(*b*) What action, if any, do the Government propose to take to safeguard the health of the people of Calcutta from contact with the diseased and infection-carrying beggars?

(*c*) Have the Government considered the idea of deporting all the able-bodied beggars out of Calcutta?

(*d*) Have the Government any scheme or are they prepared to consider and adopt as early as possible any thorough-going scheme for meeting the beggar problem in Calcutta?

The Hon'ble SIR BIJOY PRASAD SINGH ROY: (*a*)(*i*) and (*ii*) Yes.

(*iii*) Government have no reason to think that the presence of these beggars constitutes a source of great danger to the health of the city.

(*b*) Does not arise.

(*c*) No.

(*d*) Government are prepared to examine the whole question and ascertain public opinion.

Maulvi TAMIZUDDIN KHAN: Is the Government aware that there is a large number of lepers amongst these beggars?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There are some, but I do not know whether there is a large number of them.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*a*)(*iii*), does not the Government think that the presence of these beggars is a source of danger, at least to the health of the inhabitants of the city?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Possibly so, Sir.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*d*), did the Government ever apply its mind to the problem at all?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. This question was examined some years ago, but, I think, the information then collected is now out of date.

Maulvi TAMIZUDDIN KHAN: So far as these matters are concerned, in what way does the Government intend to ascertain public opinion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The details have not yet been examined, and I am not in a position to say what will be the procedure.

Maulvi TAMIZUDDIN KHAN: When does the Government expect that it will be able to take action in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In the near future.

Mr. C. C. COOPER: In view of the great anxiety created in Calcutta by the danger of the presence of a large number of lepers amongst the beggar population, are the Government considering the desirability of taking action in the matter at a very early date?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the primary responsibility rests with the Calcutta Corporation, but Government would be pleased to examine the question.

SETH HUNUMAN PROSAD PODDAR: Is the Government prepared to give effect to the recommendations of the Beggar Conference held recently in Calcutta?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I cannot commit Government in any way, but Government are prepared to examine the whole question.

Hospital for tuberculous patients.

*72. **Maulvi RAJIB UDDIN TARAFDER:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the incidence of tuberculosis is very high in the whole of this province?

(*b*) Is the Hon'ble Minister in possession of statistics to show the actual or probable number of tuberculosis cases in the province at the present moment?

(*c*) Is it a fact that there are no other special hospitals for the treatment of such cases except the tuberculosis hospital at Jadabpur run by the Calcutta Medical Aid and Research Society?

(*d*) Is it not a fact that the accommodation available in the Jadabpur hospital is inadequate for the needs of the province?

(*e*) Are the Government contemplating the establishment of similar institutions in different parts of the province?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The death rate from tuberculosis has increased during the last decade; it cannot be said, however, that it is very high.

(*b*) The number of deaths from tuberculosis in 1934 was 14,845. The number of persons suffering from the disease cannot be ascertained.

(*c*) and (*d*) Yes.

(*e*) In their present financial position, Government cannot establish similar institutions in different parts of the province. Government have, however, under consideration a proposal for the establishment of a tuberculosis sanitarium for which a donation of Rs. 2,82,000 has been received.

Deb Barma Estate of Dinajpur.

*73. **Srijut TAJ BAHADUR SINGH:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) under what circumstances and for what reasons the Deb Barma Estate of the Dinajpur district has been taken under the management of the Court of Wards lately;

(*ii*) whether the estate is encumbered;

(*iii*) whether there is no male proprietor;

(*iv*) whether the proprietor is a minor;

(*v*) whether the proprietor is not qualified to manage on account of mental defect or defect in the brain; and

(*vi*) for how many years the estate has been taken under the Court of Wards?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*i*) To give protection to an important family of the district, the owner of which was incapacitated from managing a big estate owing to ill-health.

(*ii*) No.

(*iii*) There is a male proprietor.

(*iv*) and (*v*) No.

(*vi*) The charge of the estate was taken in September, 1934, but not for any definite period.

Temporarily settled estates in Mymensingh.

***74. Maulvi ABDUL HAKIM:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the temporarily settled estates or Government estates (*khas mahals*) in the district of Mymensingh are undergoing revisional survey operation this year?

(*b*) Is it a fact that the Government are contemplating enhancement of rents in these estates as a result of this survey operation?

(*c*) If the answer to (*b*) is in the affirmative, what is the reason for such enhancement of rents?

(*d*) Is the Hon'ble Member aware—

(*i*) that the temporarily settled estates and Government estates almost in all places comprise riparian lands (*char* lands);

(*ii*) that the paddy crops both *aus* and *amon* are being almost totally damaged every year owing to abnormal or untimely flood during some years past;

(*iii*) that jute is the only crop grown in these riparian lands;

(*iv*) that this jute crop is again harvested in a stage of premature growth before the advent of flood water in the fields;

(*v*) that the tenants in these estates are hopelessly in arrears of rents owing to the unusual fall in the price of rice, jute and other agricultural products;

(*vi*) that the Public Demands Recovery Act is being largely used in the estates for the realisation of arrear rents; and

(*vii*) that Government have been saving occasionally large number of tenants in these estates from starvation by granting agricultural loans at the time of failure of crops?

(*e*) Is the Hon'ble Member aware of the peculiar condition of riparian lands on either side of the old Brahmaputra river whose bed has been greatly silted up causing abnormal flood which almost totally damages the paddy crop on these lands?

(*f*) If the answers to (*d*) and (*e*) are in the affirmative, are the Government prepared to abandon the idea of any enhancement of rents at this time?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) and (*b*) Yes.

(*c*) The existing rents are low compared with the productivity of the soil. In this and other districts similar lands bear higher rents. The existing rents would have been higher but for the fact that at the last settlement enhancement was limited to about half of what was admissible.

(*d*)(*i*) Yes.

(*ii*) No. Partial damage is only occasionally caused to crops by floods.

(*iii*) No: Government's information is that besides jute, these lands grow *aus* and *amon* paddy as well as *rabi* crops.

(*iv*) This is not always the case. Occasionally jute is harvested prematurely to avoid submersion by flood.

(*v*) It is true that tenants are in arrears; but prices are rising and the situation is showing signs of improvement.

(*vi*) Rent is realised in some cases by certificate.

(*vii*) Agricultural loans have been granted when found necessary.

(*e*) The lands are fertilised yearly by a deposit of silt and far from being more liable to flood they are yearly becoming less liable.

(*f*) Government see no reason to abandon their policy of a moderate enhancement of rents.

Maulvi ABDUL NAKIM: Is the Hon'ble Member aware that there are large tracts of lowlying lands, almost in every estate, and that *amon* crops grown there are damaged every year?

The Hon'ble Sir BROJENDRA LAL MITTER: I have answered that question before, Sir.

Maulvi ABDUL HAKIM: May I know what is the price of jute this year?

The Hon'ble Sir BROJENDRA LAL MITTER: It varies from day to day.

Bashatti Estate.

***75. Kazi EMDADUL HOQUE:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that during the attachment of the Bashatti Estate in the Kurigram subdivision under section 99 of the Cess Act the Tahsildar of Khalilganj Tahsil camp in the said subdivision realised rents from a tenant for a period for which no rents were due;

(*ii*) that the Collector, Rangpur, received a report thereof from the questioner; and

(*iii*) that the Collector questioned the questioner's right to report the matter to him as a member of the Legislative Council and demanded a *vakalatnama*?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) if the members of the Legislative Council are barred from drawing the attention of the proper authorities regarding illegal acts or dishonest practices of the collecting staff of their districts;

(*ii*) how the aggrieved tenant expects to get proper credit for the amounts paid by him in excess?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) No.

(*ii*) Yes. The report was received six months after the estate was released from attachment.

(*iii*) Yes. The Collector expressed his doubts regarding the justification of the member's interference.

(*b*) (*i*) Members of the Legislative Council are not debarred from making representations to proper authorities; Government have however been informed that the allegations made by the questioner were on inquiry found to be false and when the Tahsildar concerned wanted to bring an action for slander against him, the questioner approached him and amicably settled the matter.

(*ii*) In view of the reply to question (*a*) (*i*), this does not arise.

Babu JITENDRALAL BANNERJEE: With reference to (*a*)(*iii*), has the Hon'ble Member read the letter addressed to the Collector by Kazi Emdadul Hoque?

The Hon'ble Sir BROJENDRA LAL MITTER: I have.

Babu JITENDRALAL BANNERJEE: Is it not a fact that the language used there is one of calculated aloofness?

The Hon'ble Sir BROJENDRA LAL MITTER: That is a matter of opinion, Sir.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the Government is prepared to censure the District Magistrate for his rude behaviour?

The Hon'ble Sir BROJENDRA LAL MITTER: No.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state in what consisted the so-called interference of the Kazi Sahib when he tried to draw the attention of the Collector to certain matters of fact?

The Hon'ble Sir BROJENDRA LAL MITTER: The interference consisted in instigating the people to make false claims.

Babu JITENDRALAL BANNERJEE: Is there any proof of such instigation anywhere on the part of the questioner?

The Hon'ble Sir BROJENDRA LAL MITTER: That is the result of an investigation.

Mr. SHANTI SHEKHARESWAR RAY: Does the Government expect co-operation from the members of the Legislative Council if such rude behaviour is allowed to be meted out to them by subordinate officers of Government?

The Hon'ble Sir BROJENDRA LAL MITTER: Government expect nothing from certain members of the Council.

Kazi EMDADUL HOQUE: With reference to answer (*a*)(*i*), is it not a fact that the questioner sent a report to the Collector stating the period for which the excess realisation was made?

The Hon'ble Sir BROJENDRA LAL MITTER: It was asked whether *tahsildars* realised the rents twice over from tenants, and the answer is no. I cannot follow the present question.

Kazi EMDADUL HOQUE: Sir, my question is, whether the questioner has sent a report to the Collector stating that rents for a particular period were realised from the tenants although they were not due from them?

The Hon'ble Sir BROJENDRA LAL MITTER: I want notice of the question.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state as to who made the enquiry stated in (*b*)(*i*) of the answer?

The Hon'ble Sir BROJENDRA LAL MITTER: The Collector.

Kazi EMDADUL HOQUE: Will the Hon'ble Member take it from me that the Collector has not made any enquiry whatsoever?

Mr. PRESIDENT: That is no question at all.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to give us a list of the members of this Council from whom Government does not expect any co-operation?

The Hon'ble Sir BROJENDRA LAL MITTER: I am not prepared to do so.

Mr. SHANTI SHEKHARESWAR RAY: Is it the personal view of the Hon'ble Member or is it the considered view of the Government, that Government does not expect any help from certain members of this Council?

The Hon'ble Sir BROJENDRA LAL MITTER: It is my personal view, Sir. (A VOICE: Shame.)

Panga Estate.

*76. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) for what amount of arrears of cess dues the Panga Estate has been attached under section 99 of the Cess Act;

(*ii*) what is the amount collected now; and

(*iii*) how long the attachment is likely to continue?

(*b*) Is the Hon'ble Member aware that one Maniruddin of Dari Kishorepur, police-station Ulipur (Rangpur), was served last year by the Tahsildar employed to realise rents under section 99 of the Cess Act with a notice saying that should the former not turn up at the latter's residence by the next morning he would under the orders of the District Magistrate be tortured by the police and the military?

(*c*) Was the matter reported to the Collector of the district? If so, what was the result?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Rs. 14,874.

(*ii*) Rupees 58,420 including arrears of land revenue.

(*iii*) Until all arrears of land revenue and cesses are realised. It is not possible at present to say exactly when this will be.

(*b*) Yes. The notice was issued by a young and inexperienced *moharir*.

(*c*) Yes. The conduct of the *moharir* was extremely wrong and he was severely warned and fined half a month's pay. As his fault was confined to the issue of the notice, no further action was taken.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state where that notice is now?

The Hon'ble Sir BROJENDRA LAL MITTER: I do not know.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state whether it is not a fact that the notice, stated in answer (*c*), was taken possession of by the Subdivisional Officer as soon as the matter was communicated to the District Officer?

The Hon'ble Sir BROJENDRA LAL MITTER: I have no information on that point.

Realisation of rents by certificates in Rangpur.

*77. **Kazi EMDADUL HOQUE:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that the questioner wrote a letter to the Hon'ble Member of the Board of Revenue on the 12th June last, requesting him to direct an enquiry regarding certain allegations of illegal acts said to have been committed by the Tahsil staff in the matter of realisation from tenants of rents under the provision of section 99 of the Cess Act in the Rangpur district; and

(*ii*) that the Collector of Rangpur has in that connection warned the questioner and sent to him for his information and guidance in the shape of a memorandum an extract from his letter to the Secretary to the Board of Revenue?

(*b*) If the answer to (*a*) is in the affirmative—

(*i*) in what capacity and under what authority has the Collector issued a warning to the questioner;

(*ii*) what is the ground of issuing such a warning; and

(*iii*) what are the contents of the letter of warning referred to?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) and (*ii*) Yes.

(*b*) (*i*) In his capacity as District Officer and as the authority empowered under the law to collect rents and cesses of estates attached under section 99 of the Cess Act.

(*ii*) The allegations made by the member were found on enquiry held in his presence to be false and he was cautioned against unjustifiable interference in the discharge of public business.

(*iii*) Government are not prepared to disclose the contents of the letter.

Admission of pleaders and their clerks in civil court offices.

*78. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that innumerable confidential circulars have been issued by the High Court, authorising Subordinate Judicial Officers to issue general orders and circulars, prohibiting pleaders to enter into office rooms of civil court buildings and hold conversations with ministerial officers in regard to suits or cases in which they are concerned?

(*b*) If the answer to (*a*) is in the affirmative, what is the object of issuing such confidential circulars and what is the reason of making these circulars confidential?

(*c*) Is the Hon'ble Member aware that the investing of Judicial Officers with such powers on the strength of confidential circulars has placed those officers and the lawyers practising in their courts in a very strained relationship?

(*d*) Were the opinions of the District Judges and the Presidents of the Bar Associations taken before the issuing of such confidential circulars?

(*e*) Is the Hon'ble Member aware—

(*i*) that the way in which these confidential circulars are enforced has made it wellnigh impossible for pleaders to discharge their responsibilities to their clients; and

(*ii*) that the same has created a feeling of public discontent in the country?

(*f*) Do the Government propose to move the High Court to withdraw the confidential circulars?

(*g*) If the answer to (*f*) is in the negative, are the Government considering the desirability of taking steps to prevent the presiding officers of subordinate courts from issuing circulars to the members of the Bar Associations against the spirit of instructions received by them?

(*h*) Are the Government considering the desirability of advising the High Court to attach an Enquiry Office in each court to facilitate the securing of information by pleaders in right time for the proper conducting of their cases?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) No.

(*b*) to (*g*) Do not arise.

(*h*) No.

Bengal Indebtedness Bill.

78. Maulvi TAMIZUDDIN KHAN: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state when the Government propose to introduce in Council the contemplated Bill for reconciliation of debts with a view to relieve rural indebtedness in this province?

(*b*) If the Bill is not intended to be introduced in the current session of the Council, will the Hon'ble Member be pleased to state—

(*i*) what are the reasons for the same; and

(*ii*) whether the Government in their estimation expect that the Bill will be passed during the lifetime of the present Council?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) During the current session.

(*b*) (*i*) and (*ii*) Do not arise.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Chashara station.

40. Mr. ANANDA MOHAN PODDAR: (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware—

(*i*) that inconvenience is caused to the public owing to the absence of a raised platform at the Chashara station on the Eastern Bengal Railway;

(*ii*) that trains usually stop outside the station yard;

(*iii*) that the passengers are to walk a long distance to come to the gate;

(*iv*) that the station is not properly lighted at night; and

(*v*) that there is no proper waiting arrangement for the waiting passengers?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking necessary steps to remove the said grievances at an early date?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) As has been stated in reply to questions on previous occasions, a rail-level platform is not as convenient for passengers as a raised platform.

(*ii*) Provision has been made for extension of the rail-level platform at the station in the programme of works for 1936-37.

(*iii*) The exit is at one end of the platform near the main road. A walk either by the platform or by an approach road appears unavoidable.

(*iv*) Extra platform-lights were provided last year.

(*v*) Three benches have been provided in the waiting hall at Chashara station for seating accommodation.

(*b*) Does not arise.

Muslims in Medical Service.

41. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing for the present—

(*i*) the percentage of the Muhammadan Assistant and Sub-Assistant Surgeons employed under the Bengal Government as compared with those of Hindus and other sects;

(*ii*) the number of Muhammadans in the teaching staff of the Medical Department, specially in the Dacca Medical School; and

(*iii*) the number of charitable dispensaries in Bengal and the percentage of Muhammadan officers in charge of them?

(*b*) Is the Hon'ble Minister aware that the percentage of the Muhammadans in the Medical Service is at present very low?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering it desirable to give effect to the Government regulation to recruit more Muhammadans in the Medical Service?

(*d*) Is the Hon'ble Minister aware that in the Dacca Medical School, Mitford Hospital and Civil Surgeon's office the percentage of Muhammadan officers is very low?

(*e*) Will the Hon'ble Minister be pleased to state whether there is any special training in the Medical Department?

(*f*) If the answer to (*e*) is in the affirmative, what is the percentage of Muhammadan medical men sent for the purpose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Percentage of Muhammadan Assistant Surgeons, 15·28 per cent. Percentage of Muhammadan Sub-Assistant Surgeons, 11 per cent.

(*ii*) 13; Dacca Medical School, 3.

(*iii*) The number of charitable dispensaries in Bengal is 1,144. Most of these dispensaries are under the control of local bodies while

some are private institutions. The information regarding the number of Muhammadans employed in these dispensaries is not available. The collection of the required information would entail so much time, labour and expense that Government regret that they are not prepared to undertake the task.

(*b*) Government do not think that the percentage is unduly low considering that the Medical Service is a technical service and that until very recently the number of suitable Muhammadan candidates was very small.

(*c*) The rule that 33⅓ per cent. of the vacancies in the Medical Service filled by direct recruitment should be given to Muhammadans is being strictly observed since its adoption.

(*d*) There are 3 Muhammadan Medical Officers out of 17 in the Dacca Medical School and 2 out of 7 in the Mitford Hospital. There is no Medical Officer attached to the Civil Surgeon's office.

(*e*) Yes, Post-graduate Course of training.

(*f*) Every Medical Officer has to undergo the training at a certain stage of his service in order to qualify for further promotion. No question of percentage of Muhammadan officers does therefore arise.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether the rule regarding the reservation of 33⅓rd per cent. of vacancies for Muslims applies to ministerial appointments only?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. It applies to Medical appointments as well.

Maulvi TAMIZUDDIN KHAN: Is the Hon'ble Minister aware that so far as higher administrative posts are concerned, the rule is that 45 per cent. of appointments should be reserved for Muhammadans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

42. Khan Bahadur Maulvi HASHEM ALI KHAN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing for the present—

(*i*) the percentage of the Muhammadan Assistant and Sub-Assistant Surgeons employed under the Bengal Government as compared with those of Hindus and other sects;

(*ii*) the number of Muhammadans as compared with the other communities in the teaching staff of the Medical Department, specially in the Dacca Medical School; and

(*iii*) the number of charitable dispensaries in Bengal and the percentage of Muhammadan officers in charge of them?

(*b*) Is the Hon'ble Minister aware that the percentage of the Muhammadans in the Medical Service is at present very low?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering it desirable to give effect to the Government regulation to recruit more Muhammadans in the Medical Service?

(*d*) Is the Hon'ble Minister aware that in the Dacca Medical School, Mitford Hospital and Civil Surgeon's office the percentage of Muhammadan officers is very low?

(*e*) Will the Hon'ble Minister be pleased to state whether there is any special training in the Medical Department?

(*f*) If the answer to (*e*) is in the affirmative, what is the percentage of Muhammadan medical men sent for the purpose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The member is referred to the reply to the unstarred question on the subject put by Maulvi Abdul Ghani Chowdhury at this meeting.

43. Maulvi SYED OSMAN HAIDER CHAUDHURI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing for the present—

(*i*) the percentage of the Muhammadan Assistant and Sub-Assistant Surgeons employed under the Bengal Government as compared with those of Hindus and other sects;

(*ii*) the number of Muhammadans as compared with the other communities in the teaching staff of the Medical Department, specially in the Dacca Medical School; and

(*iii*) the number of charitable dispensaries in Bengal and the percentage of Muhammadan officers in charge of them?

(*b*) Is the Hon'ble Minister aware that the percentage of the Muhammadans in the Medical Service is at present very low?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering it desirable to give effect to the Government regulation to recruit more Muhammadans in the Medical Service?

(*d*) Is the Hon'ble Minister aware that in the Dacca Medical School, Mitford Hospital and Civil Surgeon's office the percentage of Muhammadan officers is very low?

(*e*) Will the Hon'ble Minister be pleased to state whether there is any special training in the Medical Department?

(*f*) If the answer to (*e*) is in the affirmative, what is the percentage of Muhammadan medical men sent for the purpose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The member is referred to the reply to the unstarred question on the subject put by Maulvi Abdul Ghani Chowdhury at this meeting.

44. Maulvi NUR RAHMAN KHAN EUSUFJI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing for the present—

(*i*) the percentage of Muhammadan Assistant and Sub-Assistant Surgeons employed under the Bengal Government as compared with Hindus and other sects;

(*ii*) the number of Muhammadans as so compared in the teaching staff of the Medical Department, specially in the Dacca Medical School;

(*iii*) the number of charitable dispensaries in Bengal; and

(*iv*) the percentage of Muhammadan officers in charge of them as compared with other communities?

(*b*) Is the Hon'ble Minister aware that the percentage of the Muhammadans in the Medical Service is very low?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of giving effect to the Government regulation to recruit more Muhammadans in the Medical Service?

(*d*) Is the Hon'ble Minister aware that in the Dacca Medical School Hospital and Civil Surgeon's office the percentage of the Muslim officers is very low?

(*e*) Is there any special arrangement for training in the Medical Department?

(*f*) If the answer to (*e*) is in the affirmative, what is the percentage of Muhammadan medical men sent for the purpose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The member is referred to the reply to the unstarred question on the subject put by Maulvi Abdul Ghani Chowdhury at this meeting.

45. Maulvi MUHAMMAD HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing for the present—

(*i*) the percentage of the Muhammadan Assistant and Sub-Assistant Surgeons employed under the Bengal Government as compared with those of Hindus and other sects;

(*ii*) the number of Muhammadans in the teaching staff of the Medical Department, specially in the Dacca Medical School; and

(*iii*) the number of charitable dispensaries in Bengal and the percentage of Muhammadan officers in charge of them?

(*b*) Is the Hon'ble Minister aware that the percentage of the Muhammadans in the Medical Service is at present very low?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering it desirable to give effect to the Government regulation to recruit more Muhammadans in the Medical Service?

(*d*) Is the Hon'ble Minister aware that in the Dacca Medical School, Mitford Hospital and Civil Surgeon's office the percentage of Muhammadan officers is very low?

(*e*) Will the Hon'ble Minister be pleased to state whether there is any special training in the Medical Department?.

(*f*) If the answer to (*e*) is in the affirmative, what is the percentage of Muhammadan medical men sent for the purpose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The member is referred to the reply to the unstarred question on the subject put by Maulvi Abdul Ghani Chowdhury at this meeting.

Settlement Khatians.

46. Haji BADI AHMED CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the date of final publication is given in the certified copy of the finally published settlement *khatians* supplied to the public?

(*b*) If the reply to (*a*) is in the negative, what are the reasons?

(*c*) Are the Government considering the desirability of issuing instructions for such supply in future?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*), (*b*) and (*c*) The particulars to be endorsed on the landlords' and tenants' copies of the *khatians* are regulated by rule 385 of the Survey and Settlement Manual. The date of final publication is not among these particulars and Government in the past have examined the desirability of including it among them; the proposal was however dropped as the date of final publication has no legal significance and it was believed that it was of no material importance to the public. Anyone particularly interested in the matter can always ascertain this date by reference to the authorised final copy of the record which is kept at the headquarters of the district.

Muslims in Court of Wards Estates.

47. Maulvi ABDUL GHANI CHOWDHURY: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the present—

(*i*) the number of estates under the management of the Court of Wards in Bengal; and

(ii) the percentage of the Muslim employees therein as compared with those of the other communities?

The Hon'ble Sir BROJENDRA LAL MITTER: (i) and (ii) The member is referred to the answer to starred question No. 40 asked by Maulvi Syed Osman Haider Chaudhuri during the present session.

GOVERNMENT BUSINESS

Supplementary Estimates of the Government of Bengal 1935-36

DEMANDS FOR GRANTS

34—Agriculture.

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 41,000 be granted for expenditure under the head "34—Agriculture" to meet the cost of measures to be taken to encourage the cultivation of substitute crops instead of jute and of propaganda for the restriction of jute cultivation.

In this connection, I should like to invite the attention of the hon'ble members to my speech in this Council in March last when making the demand for the current year's budget grant in which full details of the programme of intensive campaign adopted by Government for inducing cultivators to restrict the areas under the jute crop by a direct appeal were explained. It was recognised that in a measure like this co-operation and active support of the non-officials was essentially necessary, and fullest advantage was taken of the services of non-official workers who rendered ungrudging assistance to the local officials at so much personal sacrifice. This unique example of over 40,000 non-officials working in perfect harmony with the officials to attain the common object of ameliorating the economic condition of a very large section of the cultivating classes will be writ large in the history of this province. Spontaneous response was also made by the growers themselves, but for which no propaganda, however vigorous it might be, would have been of any avail. These hard facts have proved the great possibilities of the voluntary method in which Government have pinned their faith and have belied the prognostications of those who thought otherwise and believed in compulsory restriction. It may also be mentioned here that this House declared itself against the principle of compulsion by legislation in unequivocal terms and voted in favour of voluntary restriction. As explained in the memorandum

of the 12th August, 1935, Government have decided that the propaganda for voluntary restriction should continue this year on the lines which have been successful in connection with the present jute crop, and we hope that with the help of non-official workers it will be possible to launch a vigorous campaign.

Government also recognise the great importance of adopting intensive measures for encouraging the cultivation of substitute crops in the areas which will be set free as a result of restriction in the cultivation of jute, and we hope these measures will bring to the cultivators a better return. Restriction of the area under jute is a means to the end—an increase in the price of raw jute; but an incentive to the cultivation of other money crops as a substitute for jute is essentially necessary for placing the economic condition of the cultivators on a satisfactory footing. Immediate arrangements will be made for the distribution among others of large quantities of sugarcane cuttings and groundnuts for seed purposes, especially in areas where these have not yet been introduced at a total estimated cost of Rs. 20,000. Our efforts in this direction will, it is hoped, be supplemented by contributions from district boards and from co-operative central banks, and the restriction is expected to be more effective next year, as during the jute sowing season certain areas hithertofore cultivated with jute will have standing crops of sugarcane and groundnut on them. Special attention of the Agriculture Department will be devoted to this work, and an additional staff of 50 demonstrators will be employed for this purpose. It is recognised that agricultural officers who possess the requisite knowledge and experience will be in a better position than a lay man to bring home to the cultivators the benefits of growing such crops as well as to give them practical demonstration of the best methods of cultivation. These officers will be required to stay in the local areas and provision has been made for meeting the extra expenditure on account of their travelling allowances.

Sir, in certain quarters a pessimistic view is entertained about the result of restriction propaganda in view of the fact that drought intervened during the cultivating season. Admittedly, it is impossible to estimate what would have been the precise effect of the propaganda had there been no drought. No useful purpose will be gained by debating this point, but there is no gainsaying the fact—a fact established by local officers' reports—that the cultivators actually curtailed their areas under jute whilst drought was merely a contributory cause.

Exception has also been taken by some to the communiqué issued on the 27th July, 1935, as having been of doubtful nature, and an attempt has been made to ascribe it as the cause of the downward tendency in the prices of jute. I should like to make it clear that there is no ambiguity about the intentions of Government, as explained

in the communiqué, to continue the scheme for voluntary restriction, and that Government intend to pursue the policy of restriction of last year more vigorously and earnestly. Surely the time is not ripe yet for an announcement as to the degree of restriction to be effected. This will be made on a later date as was done last year after Government are in possession of complete data.

As regards the question of fall in prices, it is well known that there are speculative elements in the jute market which affect the prices. It is not possible to point to a particular cause or causes which might have led to this weakness in the market, nor can one foretell whether this is only temporary or not. Statistics show that prices have a tendency to fluctuate in the months of July and August. In any case, it can be definitely said that the Calcutta prices at the present moment are higher than they were in the two preceding years. This goes to show unmistakably that the restriction scheme propounded by Government has been successful and holds out the promise of further success if the campaign is pursued more vigorously and persistently.

In view of what I have explained, Sir, I hope the hon'ble members will be satisfied about the importance of our scheme, and I, therefore, commend my motion to the acceptance of the House.

Rai Bahadur AKSHOY KUMAR SEN: Sir, I beg to move that the demand of Rs. 41,000 under the head "34—Agriculture" be reduced by Rs. 100 (propaganda for voluntary restriction of jute cultivation).

Sir, it cannot be denied that some good was done by the propaganda for voluntary restriction of jute cultivation in Bengal. So far as my district of Faridpur is concerned, there was, as a matter of fact, a definite amount of restriction effected, which was due to the unfailing and untiring activities of the then District Magistrate, Mr. Porter. This propaganda in my district was made with the assistance of Circle Officers, union boards and other agencies, the District Magistrate being at the head of the movement, and I know that appreciable results were obtained by means of the propaganda at a minimum cost or practically no cost to Government. As I have already said, Sir, the credit of this success was all Mr. Porter's. So far as we know, this propaganda was made mainly through the Circle Officers and union boards and other agencies, the District Magistrate being at the head of these affairs, and it was because he took interest in these matters. So far as I know this was done at a minimum cost or practically no cost and that was done by Mr. A. E. Porter, the then District Magistrate of Faridpur. But I do not know what was done in other districts, but I may expect this was the case there also. Sir, my submission is that although this scheme of voluntary restriction has done partial good, I suggest that there are other ways and means, and if the Government is pleased to adopt those means then we may expect better results. I am not in

favour of legislation for restricting cultivation of jute, but I submit that there should be legislation to fix the standard price of jute because we know that in different parts of Bengal there are different rates which are being used when jute is purchased from cultivators. We know that there is *faltu* which means that a certain amount, say two to three seers, is deducted as *faltu*. This *faltu* is always to the benefit of the purchaser, and this is a custom, and such customs are in vogue in different parts of Bengal which always act to the benefit of the purchaser and not seller. Again, Sir, in certain districts jute is sold at 90 to 100 *tollas* instead of 80 *tollas*, the standard weight for each seer. These things should be stopped by legislation. Another fact which I beg to suggest to the Hon'ble Minister for his consideration is that standard price of jute may be fixed by legislation as was done in the case of sugarcane in Bihar and tea in several districts of Bengal. It had some good effect. There should be some control over the exploitation of the buyers who are mostly the millowners because they control the market. Before the jute is cultivated, they raise the price a little, and then at the time of harvesting they say: "We won't purchase it for more than two, three or five rupees per maund; either you may sell it or not." But these cultivators mainly rely upon their produces. They cannot but sell it at the prices offered to them. There should be some sort of control of legislation against such exploitation, and I think the Government should consider this matter because we know that although at this time of the year the price of jute is going down, we never saw the price of hessian going down. That shows that there is a demand for manufactured jute which is the monopoly of mill-owners. The outside trading world must have gunny-bags, although it is said that substitutes were introduced by some countries, but they are not so very useful and durable as these gunny-bags are. My submission is that the world must purchase this manufactured jute and jute is only grown in Bengal and that is the most important thing by which money is got from the outside world. If some strict measures are not taken by the Government, I think the condition of the cultivators and several other persons in Bengal, who live mainly upon the earnings of these poor cultivators, will go steadily from bad to worse. My submission to-day to the Hon'ble Minister is that he should seriously consider how to control these buyers who practically control the jute market. There should be some control over these controllers of jute markets. That is my submission. Another important matter which I have already stated is that there should be standard price fixed by legislation. By way of suggestion the Hon'ble Minister should take into consideration whether any legislation should not be made for the purpose of fixing the minimum standard price of jute whereby the buyer, if he purchases jute at a lower price, will be prosecuted and if anybody sells it at a lower price he will be similarly prosecuted, although it is sometimes said by the purchaser: "There is enough jute in stock and we do not

want any more." But the stock though excessive must have been exhausted one way or the other. This voluntary cultivation is no doubt for the purpose of restricting the overproduction of jute, but along with it some other measures which I have suggested or any other measures which the Hon'ble Minister may think fit should be taken to control these exploitations.

With these words I commend my motion to the acceptance of the House.

Maulvi TAMIZUDDIN KHAN: The Hon'ble Minister has referred with complaisance to the success of the last propaganda for the restriction of cultivation of jute. He says, however, that some doubt is expressed in some quarters on the success of the propaganda. I submit that doubts have been expressed not only outside the Government circle but inside the Cabinet, so to say, because it is seen from a note issued by the department itself that such doubt is entertained there also. There it is stated and it may be said with confidence that this hope, *i.e.*, the hope of success of the propaganda has been fulfilled, though it is impossible to assume what would have been the result of the propaganda for restriction if there had been no drought during the cultivation season. Therefore, Sir, it will be not correct to ascribe all the results obtained to propaganda alone, and a fair portion of it must be ascribed to acts of nature. I am not one of those disposed to minimise the value of such propaganda, because I was, Sir, intimately connected with it and did my little bit to help that propaganda. If I express any doubt about voluntary restriction, it is on account of the fact that I have some knowledge of the mentality of our cultivators. Propaganda like this was not successful in the past, but it seems to have been somewhat successful so far as the last one is concerned. As I have already submitted, Government should not be satisfied with what has been attained. Government should consider whether it will be necessary in future to legislate for the purpose of restricting the cultivation of jute. It is true this House once turned down the proposal for compulsory restriction of the cultivation of jute, but I think public opinion is now gradually veering round the idea of compulsory restriction and I think it is on account of this public feeling that Government took up the propaganda. It has succeeded to a certain extent, no doubt. But I submit Government should take a warning and should think of being prepared for compulsory restriction in future. If the Hon'ble Minister comes up with the question before the Council now, it is doubtful whether the House will come to the same conclusion as it did on the last occasion. The Hon'ble Minister has stated that attempts are being made to facilitate the cultivation of substitute crops. Of these substitute crops sugarcane is the most important and the next in importance to my mind is groundnut. As regards sugarcane, the action Government wants to take in this matter seems to be altogether onesided. I submit that the

Government is proceeding in a wrong direction. Government is trying to increase the output of sugarcane in this province, but is not doing anything for the consumption of the increased produce. Sir, what are the United Provinces and Bihar Governments doing in this matter? As soon as there was legislation fixing the minimum price of sugarcane, the Bihar Government, and particularly the United Provinces Government, were up and doing. They tried to induce capitalists to start as many mills as possible. At the instance of the Government, propagandists came from the United Provinces to Calcutta to induce Calcutta capitalists to start mills in the United Provinces, but nothing has been done in our province by our Government, although a great deal could have been done. Sir, only three mills have been started in this province, without any Government encouragement whatever, two in North Bengal and one in West Bengal. These three mills are certainly not sufficient for our province. Production can be very easily increased, but the consumption side should not be lost sight of. That is one of my submissions. Sir, to my mind a large number of mills can be started in Bengal also. I do not know the exact number, I forget it just now, but I think there are a large number of mills in the United Provinces—some 100—but in Bengal there are only three mills. This is altogether insufficient. Government should encourage the establishment of mills in Bengal. Government is quite welcome in continuing the propaganda for the next year. Government is quite welcome in trying to improve substitute crops. But Government should not lose sight of the fact that it may be necessary to legislate for the compulsory restriction of the cultivation of jute in the near future. The Hon'ble Minister has not said anything about groundnut in the course of his speech. That is a thing of very great importance.

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I did mention that and sugarcane as well.

Maulvi TAMIZUDDIN KHAN: Sugarcane cannot be grown. But groundnut is a crop that can be grown in almost all parts of Bengal. It may be grown in almost all the districts. The soil of Bengal is particularly adapted to the growth of groundnut. If proper encouragement is given and facilities are provided, it is not difficult to make groundnut one of the greatest money crops in this province. I was assured by the Hon'ble Sir John Woodhead during the debate on the special motion the other day that groundnut has been included as one of the crops with regard to which propaganda is going to be done by Government and also demonstrations are proposed to be held in selected union boards. That is a very welcome gesture, and I hope Government will do all that can be done in this direction.

Mr. P. BANERJI: Sir, it was interesting to hear the Hon'ble Minister when he said that about fourty thousand non-officials helped

him in his propaganda for the restriction of jute. He also maintained that he was successful in the voluntary restriction. That may be his considered opinion, but opinion differs. Sir, if you scrutinise the whole thing you will find that according to the statement there has been a reduction of 28 per cent. and the Government wanted it to be reduced by 33½ per cent.—it is near the mark. But if you go into the details, in the Dacca Division in the districts of Mymensingh, Dacca and Faridpur practically there has been no restriction and the restriction was effected in all other parts of Bengal. Sir, that may also be due to the want of rain for which seeds could not be sown in proper time. It is very difficult to say whether this partial restriction is due to Government activities or the natural influence. We find that in spite of the fact that there is restriction, the price of jute has not increased very much. We have reports that in the countryside it is varying in some districts from Rs. 3 Rs. 5. So in spite of the restriction mentioned by the Hon'ble Minister the price is not still as high as was expected. It is higher than the last two years. Now, from this we can easily understand that if the Government do not legislate and bring about a legislation on the lines of the Tea Restriction Act that has been passed with the result that tea which was at one time going down is looking up and practically no company to-day is losing. What do we find from this experience? The only course left to improve the conditions of the tenantry with this suitable money crop, as has been described by the hon'ble members who spoke before me, is to raise the price. We need restriction, and to impose restriction Government must fix a certain limit as was done last year. Last year it was restricted to 33½ per cent. The Hon'ble Minister said that as he understood the verdict of the House it was not in favour of compulsory restriction. He also said that the time at their disposal last year was very short and Government had no data before them. Under those circumstances it was not, therefore, possible for Government to bring forward the proposal of compulsory restriction. But this year there is yet ample time at the disposal of Government, and it is possible for them to bring about compulsory restriction. If a committee is formed just on the lines of the Tea Licensing Committee, it is quite possible to restrict the cultivation of jute, and the present fall in the price of jute is no doubt due to the indecision of Government. The Hon'ble Minister is getting the help of many non-officials, of some forty thousand people, and this year he might get the help of many more.

(At this stage the time-limit fixed for this motion having been reached, the member resumed his seat.)

The question that the demand of Rs. 41,000 under the head "34—Agriculture" be reduced by Rs. 100 (propaganda for voluntary restriction of jute cultivation) was put and lost.

The original demand of the Hon'ble Nawab K. G. M. Faroqui was put and agreed to.

35—Industries: Development of sericulture industry.

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 41,347 be granted for expenditure under the head "35—Industries" on account of development of sericulture industry in Bengal.

At the outset, Sir, I should like to explain that the present grant has been made available to the Local Government by the Government of India in pursuance of their decision to assist the sericulture industry in British India by making an annual grant aggregating Rs. 1 lakh to the provinces concerned for a period of five years.

There are various problems facing the sericultural industry in India which require attention. But considering the small amount that has been made available for the purpose, it was decided by the Government of India that it should be devoted to the problem which provided the most immediate benefit to the industry and would also tend to its ultimate advantage throughout India. The matter was carefully considered at the Sixth Industries Conference and again at the meeting of the Imperial Sericultural Committee which has been set up by the Government of India for the development of the sericulture industry throughout India on sound and practical lines, and on their unanimous recommendations, the Government of India came to the conclusion that sericulture is a subject of all-India importance and can best be improved by treatment on all-India lines, and that the amount provided should not be dissipated on a number of unconnected experiments but devoted principally to the increased production of disease-free "cellular" seed and also to some extent to research upon silk-worm diseases.

The Bengal schemes have been prepared on the lines of the above decision and have also been approved by the Government of India. They are:—

(1) scheme for the production of disease-free seed cocoons for which an expenditure of Rs. 38,847 out of the Government of India's grant is estimated for the current financial year; and

(2) scheme for determining the comparative efficiency of disinfectants for the prevention of disease of silk-worms involving an expenditure of Rs. 2,500 out of the same grant during the current financial year.

As regards the first scheme, the main question is the extension of the supply of disease-free and inspected seed cocoons through authorised selected rearers. The total requirement of industrial seed cocoons for the province of Bengal is estimated at 200,000 lbs. Of this, about 100,000 lbs. is now raised from cellular layings supplied by Government

nurseries. The present cost incurred for this purpose by Government is Rs. 1,20,000, exclusive of Rs. 20,000 for administration and sericultural education. As it is proposed to meet the entire requirement by extension of selected rearers, the Government nurseries will be maintained entirely for stock-rearing and selection to supply cellular layings to the selected rearers and supervising their work. Provision has accordingly been made in the scheme for the entertainment of a supervising staff of Inspectors and Demonstrators who will guide the rearers in the production of seed cocoons and also check by inspection the quality of seed cocoons sold by the selected rearers for commercial production. It is proposed to concentrate this work in the three main silk-growing districts of the province, namely, Malda, Birbhum and Murshidabad, for the present.

As regards the second scheme, the idea is to disinfect groups of rearing houses selected for comparative purposes with appliances in several villages using Formalin and Bleaching Powder under similar or identical conditions. After the crops are reared, the incidence of the disease will be recorded in order to determine the comparative efficiency of the disinfectants. It will thus be possible under the scheme to undertake the disinfection of several groups of villages in rotation and to extend the use of nursery-reared strains, as, at present, the rearers lose a large proportion of their crop through the death of worms for infection. The work will be carried out by the existing staff of Inspectors and Demonstrators engaged in propaganda and demonstration, the labour being supplied by the cultivators.

With these words, Sir, I commend my motion to the acceptance of the House.

Maulvi ABDUL HAKIM: I beg to move that the demand of Rs. 41,347 under the head "35—Industries" be reduced by Rs. 100 (unsuccess of sericultural industry).

Sir, at this time of great economic depression when the tenants are living from hand to mouth, I think no money should be spent for this sort of industry. This industry is of less importance. The tenants are hard hit now and they are unable to purchase any costly cloth which is made of silk. I think if this money is spent on the improvement of the cultivation of sugarcane the *raiyats* would be much more benefited. Though the department is trying its best for the improvement of the cultivation of sugarcane, nothing appreciable has been done in this direction. I can assure the Hon'ble Minister that even in big districts like Mymensingh—and I am much concerned with Mymensingh—there are no automatic crushers. Sir, unless some kind of automatic crushers are supplied in such big districts as Mymensingh and Rangpur, and the like, I think no improvement will be made in the cultivation of sugarcane. If these crushers are introduced in these big districts, I think

they will be of great help to the cultivators because they will be able to take advantage of these crushers and thus will be encouraged to cultivate sugarcane on a large scale. For these reasons, Sir, I think that this money should not be now spent on sericultural industry—rather it should be spent for spreading the cultivation of sugarcane and this sericulture may be encouraged when the economic crisis would be over.

Mr. P. BANERJI: Sir, I beg to move that the demand of Rs. 41,347 under the head "35—Industries" be reduced by Rs. 100 (policy involved in this grant).

Sir, the time is very short, and it is very difficult to do full justice to this industry within such a short time. I do not agree with Maulvi Abdul Hakim when he says that this industry is unnecessary under the present circumstances. I rather consider that the improvement of the sericultural industry to-day is absolutely necessary, regard being had to the fact that the consumption of silk to-day is increasing all round. At one time the silk manufactured in the districts of Malda, Birbhum and Murshidabad, to which reference has been made by the Hon'ble Minister in his speech, used to supply not only India but the whole world, and Indian silk was the fashion not only in France and England but also in America. But, unfortunately, it could not stand competition in the world-market. The result has been that in places like Mirzapore in the district of Murshidabad, where silk was produced abundantly, this industry is no longer in existence; the industry has closed down on account of competition. So I consider that this move on the part of the Hon'ble Minister is certainly in the right direction. But what I want to direct his attention to this that in such an important matter Government are not spending adequately and that more money should have been provided for this purpose. As I have already said, Sir, it is now the fashion to use silk, and, therefore, if more silk is manufactured in this country the result will be that we shall be able to have more money by the sale of this commodity. Therefore, the argument of Maulvi Abdul Hakim does not stand at all. I, therefore, think that the Hon'ble Minister should exert himself in his endeavour and not restrict his activities to three districts only, but also arrange to spread the seeds to the different districts wherever an enquiry is made for the improvement of sericulture.

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: It is not required in the district of Mymensingh.

Mr. P. BANERJI: At the same time you must see that more money is snatched away from the stingy hands of the Hon'ble the Finance Member. (Laughter.) With these words, Sir, I move my motion.

Haji BADI AHMED CHOWDHURY: I beg to move that the demand of Rs. 41,347 under the head "37—Industries" be reduced by Rs. 10(

(improvement of sericultural cultivation in Kalanjan, Satkania, police-station Chittagong, and silk industry in Cox's Bazar, Chittagong, already in existence).

The member spoke in Bengali, the following being an English translation of his speech:—

Mr. President, Sir, I shall state in a few words why I am moving this motion. In the Kalaujan village under the Satkania police-station of Chittagong sericulture has been in vogue from time immemorial. Silk-worms are regularly reared there and from their cocoons silk yarns are produced which the local people call "*Patna*". The Industries Department in Bengal has paid no attention to this local industry and rendered no help to it.

Fine qualities of silk cloth are manufactured in the Cox's Bazar subdivision of Chittagong and exported to various places, specially to Burma. Upon my request the Industries Department sent several weaving parties to the place to look into the matter. But up till now no steps have been taken by Government to improve this branch of the industry in Chittagong.

I have brought this motion for the purpose of drawing the attention of Government to the improvement of this industry in Chittagong as also for adequate help being rendered to it.

Maulvi SYED MAJID BAKSH: Sir, I find that at long last the Hon'ble Minister for Agriculture and Industries has diverted his attention to the development of the sericultural industry. You may remember, Sir, that on a previous occasion—during the budget debate—I myself moved a token cut for the improvement of the sericultural industry. Now, I am glad to find that the Hon'ble Minister has been able to see eye to eye with me, but I have not been able to find out from his speech in what way this grant is going to be spent. There are kinds of silk cocoons which develop and find a congenial climate in the different districts of Bengal. In Rangpur, for example, the *endi* can be cultivated, while in Murshidabad the mulberry finds the climate favourable to its growth and existence. Sir, I pointed out on that occasion that the climate of Murshidabad, Nadia, and Jessore are almost identical in this respect. In some parts of Nadia which border on the district of Murshidabad, mulberry caterpillar is cultivated even in these days. I say that this will give a good fillip to the wornout resources of the poor tenants of this province. My suggestion on that occasion was to start model farms or to subsidize particular tenants to cultivate the mulberry plant and to rear mulberry insects and with the help of the expert advice of the officers of the department to see that they conduct their business on right lines in order to arrive at a profitable production. I agree on this point with the experts of this department that only seeds can be grown at present and not the actual silk. The taking out of the actual

silk from the cocoons is a matter for the experts, and it is a time-honoured practice of the cultivators of Malda and Murshidabad to make it a profitable concern. I think, Sir, that if at present the sericultural industry is started with a certain amount of land under the advice of Government and District Agricultural Officers and if expert advice is given and seeds supplied to them, then I think that the districts of Nadia and Jessore will also be able to develop the sericultural industry which will prove profitable not only to the cultivators but also to the Government in the end.

Sir, I agree with Haji Badi Ahmed Chowdhury that if sericulture is practised in the district of Chittagong, which he has mentioned in his amendment, it ought to be helped, because without money and expert advice the industry will die down there just as it has been the case with this industry in Murshidabad and Malda, except in cases where a large capital is invested merely for the sake of profit. In this case, the profits will not go to the cultivators, but the effect will be that they would get work, and the profit that accrues to the capitalist is of no use to the cultivators themselves. Therefore, I think that Government should start model farms, for example on 10 *bighas* of land, and give some subsidy to the tenants——

(At this stage the member, having reached the time-limit, had to resume his seat.)

The motion of Maulvi Abdul Hakim was put and lost.

The motion of Mr. P. Banerji was put and lost.

The motion of Haji Badi Ahmed Chowdhury was also put and lost.

Then the original demand of the Hon'ble Nawab K. G. M. Faroqui was put and agreed to.

46—Stationery and printing.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 2,00,000 be granted under the head "46—Stationery and printing" in 1935-36.

The demand was put and agreed to.

35—Industries: Weaving Institute, Serampore.

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 4,320 be granted for expenditure under the minor head "35A—Industries" on account of textile research at the Government Weaving Institute, Serampore, in connection with the development of the handloom industry.

Sir, this demand forms a part of the grant made by the Government of India for the development of handloom industry and relates to expenditure for textile research for the improvement of the industry to be carried out at the Government Weaving Institute, Serampore. I should like to mention in this connection that the major portion of the grant from the Government of India for the development of handloom industry has been made to the co-operative industries' unions and weavers' societies, and will be spent by the Co-operative Department for which I will come up with a motion later on for the acceptance of the House.

Sir, the main cause for the deterioration of the handloom industry generally and the business of the co-operative weavers' societies in particular can be attributed to the fact that goods produced by handloom compare unfavourably with mill-made goods in design, texture and finish, among other things. In order to remove this obstacle, provision has been made in the scheme for the entertainment of a technical research staff whose duty will be to study the changing fashions of the market, to watch the opportunities for new ranges of textures and designs likely to attract the public and to demonstrate to the weavers the changes in their processes necessary to accommodate themselves to the market. This staff will be employed with the special object of assisting those groups of weavers who are now concentrated in areas where there are at present no co-operative organisations though the results of their research will be equally at the disposal of the co-operative bodies. This part of the scheme which naturally comes within the sphere of the activities of the Industries Department will be worked through that department.

With these words, Sir, I commend my motion to the acceptance of the House.

Haji BADI AHMED CHOWDHURY: Sir, I beg to move that the demand of Rs. 4,320 under the head "35A—Industries (Transferred)" be reduced by Rs. 100 (necessity for the development of the handloom industry also at Jororgunge, Hulain, Satkania Weaving Schools in Chittagong).

(He spoke in Bengali in support of his motion, the following being an English translation of his speech):—

Mr. President, Sir, there are weaving schools at many places in Chittagong, such as Jororgunge, Hulain, Satkania, Battali, Etimkhana, etc. I propose that hand-machines be supplied to them for training in weaving as prescribed by Government, and that the Industries Department should pay immediate attention to the improvement of these schools.

I hope Government will accept my motion.

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur assured the mover in Bengali that he would enquire into the matter from the department concerned and see what could be done.

Haji BADI AHMED CHOWDHURY: In view of the assurance given by the Hon'ble Minister in charge that the matter will receive his consideration, I wish to withdraw this motion of mine.

The motion was then, by leave of the Council, withdrawn.

The original demand was then put and agreed to.

34—Agriculture: Handloom Industry.

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 85,340 be granted for expenditure under the minor head "Co-operative Credit" on account of improvement of the handloom industry through the agency of co-operative industrial societies.

At the outset, I should like to mention the fact that the present grant has been made available to the Local Government by the Government of India in pursuance of their decision to assist in the development of the textile handloom industry by making an annual grant aggregating Rs. 5 lakhs a year for the whole of India so long as the protective duties imposed by the Indian Tariff continue in force, that is for a period of five years. This Government's share of the grant for the last and current financial year is Rs. 35,000 and Rs. 80,000 respectively. This grant has been made by the Government of India for a specific object, namely, for the development of co-operative buying and selling on behalf of the handloom weavers and generally for the better organisation and improvement of the industry. In announcing the grant, it was stipulated by the Government of India that it must be spent on schemes initiated in furtherance of this object, and that the schemes should be approved by them.

It follows, therefore, that the grant was made by the Government of India for the development of the textile handloom industry mainly through co-operative organisations, and that it should be spent on schemes approved by them. Keeping in view this objective, a scheme has been prepared by the Local Government and approved by the Government of India after scrutiny at the Sixth Industries Conference.

It is clear that in accordance with the decision of the Government of India, the scheme will be worked mainly through co-operative institutions. In fact, the co-operative movement is an essential factor in rendering any assistance to the industry, as it is absolutely impossible as a practical proposition for any sales organisations to set up business relations with individual cottage handloom weavers. The primary

question of importance, therefore, is the organisation of weavers and admittedly the best way to organise them is on a co-operative basis. Fortunately, the Co-operative Department has already got an industrial structure right from the bottom to the top, there being one provincial organisation, 7 central industrial unions, and 537 societies of which 350 are weavers' societies with 5,850 members, and this is considered an advantage which should be utilised to start with. It is proposed to supply the industrial unions and weavers' societies with improved looms and appliances as well as with expert staff. The duties of the staff would be to train the weavers in new designs, texture and finish, with a view to improving the quality of their products as also to arrange for the marketing of such products. The staff will also make an attempt to organise the weavers not yet co-operatively organised.

The difficulties which have retarded the progress of handloom industry generally, and the satisfactory working of the co-operative weavers' societies in particular are:—

(1) want of training of weavers in new designs of patterns, texture and finish;

(2) difficulty of supply of yarn at a cheap rate;

(3) want of expert advice to reduce the cost of production to a minimum; and

(4) disposal of the finished products at the best possible price.

In the scheme formulated by this Government and approved by the Government of India, every possible effort has been made to eliminate these difficulties as far as practicable, and it is hoped that the step proposed to be taken will go a great way towards the rehabilitation of the handloom industry which has been a matter of constant concern to Government for a long time past.

With these words, Sir, I commend my motion to the acceptance of the House.

The demand was then put and agreed to.

60B—Payments of commuted value of pension.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 10,00,000, be granted under the head "60B—Payments of commuted value of pension" to meet the cost of payment on account of commutation of pension during the current financial year.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to move that the demand of Rs. 10,00,000 under the head "60B—Payments of commuted

value of pension" be reduced by Rs. 100 (to raise a discussion regarding the procedure for dealing with applications for commutation).

Sir, on the principle of half a loaf is better than no bread, I offer my congratulations to the Hon'ble Finance Member for providing an additional amount of Rs. 10 lakhs for optional commutations. But, Sir, the total amount of Rs. 12 lakhs to be spent this year for the purpose will be a mere drop in the ocean! We had it from the Hon'ble Member that over 1,400 applications are actually pending up to date and they extend over a period of five years now. It is quite conceivable that this 12 lakhs of rupees will not be enough to cover more than one-fourth of the total number of applications. With the efflux of time the number of outstanding applications will go on swelling unless a serious attempt is made to wipe out the arrears at once and to start with a clean slate. The Hon'ble Finance Member was pleased to assure the House in March last that the position would be reviewed later in the year with a view to determine whether a further amount should be borrowed next year. Now that borrowing for the purposes of commutations has been recognised to be a sound principle, Government should forge ahead with no faltering steps to make a leeway within as short a span of time as possible. Provision for at least 50 lakhs of rupees should, therefore, be made in next year's budget for optional commutations.

In his speech in March last the Hon'ble Finance Member was also pleased to state that the rule followed in dealing with the applications is to grant commutations strictly in the order of the receipt of the applications. I fancy such a wooden rule is not immutable like the Law of the Medes and Persians, and can be altered to meet the special circumstances of the case. In my speech in March last I made certain suggestions for the relief of retrenched personnel and small pensioners I am not sure whether they appealed themselves to Government.

In refuting the argument that delay in granting commutation involved hardship, the Hon'ble Member referred to cases in which the grantees lost their commutation money in unsound investments This may be the case with that class of pensioners who are in affluent circumstances and who needed the money for purposes of investment only. But there is the other side of the shield which is apt to be overlooked. I refer to the less vocal and less fortunate section of pensioners who having been compelled to lead a life of hard struggle and chill penury throughout their service find on retirement a compelling necessity to meet their commitments. The case of one is more or less a luxury whilst that of the other a sheer necessity. The case of the officers who have been retired prematurely as a result of retrenchment measures is harder still. These officers had made commitments under normal expectations which they find it impossible now to meet owing to the unexpected turn of events that seriously affected them. Hope

of re-employment were held out to them by including their names in the list of surplus officers fit for re-employment, but in most cases they have been left in the lurch. I think Government are under a moral obligation to treat the applications of this class of pensioners most generously.

I, therefore, strongly urge Goveranment to lay aside this rule of thumb in the exigencies of the circumstances, and to adopt a more reasonable and businesslike attitude. My specific suggestions are—

(1) pending provision of adequate funds which should be at least four times the amount now made available, priority be given to retrenched officers and small pensioners;

(2) and full amount of commutation be not granted to those whose cases are such as would not cause any hardship if part payment is made.

I have in my mind those cases in which money is required for purposes of investment. Surely, in cases of optional commutation, Government have a right to be satisfied that the money is required for purposes which will be in the best interest of the grantee and not frittered away.

Sir, I commend the above for the special consideration of Government in arranging for payment of commutations. Special care should also be taken for the speedy disposal of applications so that the money may be fully spent during ensuing seven months. With these words, I commend my motion to the acceptance of the House.

Maulvi ABDUL HAMID SHAH spoke in Bengali, the following being an English translation of his speech:—

Hon'ble President, Sir, grant of pension, the prop and stay of old age, after life-long service, is to be supported by all means, and there is no room for doubt that Government deserve thanks from all quarters for adoption of that scheme. It is also to be admitted that Government have to be thanked all the more for granting the privilege of commuting a certain portion of the pension earned. But I am constrained to say that partiality to certain privileged grades of Government service in the matter of commutation cannot be justified by any means and this is why I am going to discuss the matter by moving a motion for reduction.

Sir, the amount budgeted for commutation is first given to All-India Service pension-holders and the balance, if there be any, falls to the lot of ministerial officers. It was disclosed on the 5th August, 1935, in reply to unstarred question No. 7 that only All-India Service

pension-holders are entitled to commutation. Not to speak of the menial staff for whom no provision for pension has yet been made in all the departments, it is a matter of deep regret that even the ministerial officers have no claim for commutation as a matter of right.

Sir, evenhanded distribution of justice and mercy is the basic principle of Government, and it is this very principle that preserves order and peace in the world; but in the matter of commutation of pension, I think partiality cannot be justified in the eyes of the civilised world. In my opinion, it is the bounden duty of the Government of Bengal to give up the present policy of favouritism and allow the proportionate claims of all grades for the amount allotted in the budget for commutation of pension.

I shall then conclude my speech by citing a glaring instance of inequity in the matter of granting pension to Government servants. As funds have been inadequate for the last five years to meet the commutation charges of All-India Service pension-holders, a provisions is now going to be made for a loan of ten lakhs from the Government of India, while in the case of poor process-servers who from time immemorial have been fetching annually an average income of Rs. 15 lakhs, who by their hard labour have brought during the period of eight years from 1927 to 1934 an additional income of more than a crore and twenty lakhs, the pension scheme sanctioned so far back in 1929 has not yet been given effect to on the plea of financial stringency. For those, who by dint of their strenuous labour, contributed to the Government funds one crore and 20 lakhs during a period of eight years, what can be more deplorable than the fact that they should be deprived of the hope of getting a pension at the rate of Rs. 10 only per month at their old age?

Sir, there may be some, who may leave their claim to the dark shade of neglect only because they happen to be on the lowest grade, but if the matter be considered calmly and dispassionately, it will be found that these process-servers risk their lives to discharge their duties which are, in no way, less responsible than those of the high officials. Moreover, their pension scheme, if given effect to, will not entail any heavy expenditure as it was revealed in reply to unstarred question No. 12 on the 6th August last, that only 70 process-servers retired during the year 1934. So, it appears that if the new scheme is brought into operation, Government will not incur an expenditure of more than Rs. 5 thousand a year.

Before providing for a loan of lakhs of rupees for commutation of pension, I think it is the paramount duty of the Government of Bengal to set an example of equity and justice by giving effect to the above-mentioned pension scheme of the poor process-servers. I hope special

attention of the Hon'ble Finance Member will be drawn to this grievance of mine. With these few words, I move the motion for reduction.

(The member having reached his time-limit, had to resume his seat.)

The motion was put and lost.

The original demand of Sir John Woodhead was put and agreed to.

(The Council was adjourned for 15 minutes.)

(After Adjournment.)

27—Ports and pilotage.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 12,000 be granted under the head "27—Ports and pilotage" to meet the cost of reconditioning the steam launch *May* during the current financial year.

The demand was put and agreed to.

27—Ports and pilotage.

The Hon'ble Sir JOHN WOODHEAD: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 10,000 be granted under the head "27—Ports and pilotage" in 1935-36.

The demand was put and agreed to.

GOVERNMENT BUSINESS.

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Village Self-Government (Temporary Provisions) Bill, 1935.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Village Self-Government (Temporary Provisions) Bill, 1935, be taken into consideration.

I may remind the House that towards the earlier part of the current year the Legislature amended the Village Self-Government Act and

under section 6 of the amended Act the life of the union boards was extended from three years to four years. But before the assent of the Governor General could be obtained to this Bill as passed by this House in some of the union boards there were re-elections, but they were not actually reconstituted. That gave rise to certain anomalies and to remove those anomalies this Bill has been introduced. This Bill provides mainly that this provision about the extension of the life of union boards will not apply to the union boards in which elections were held before the assent of the Governor-General was received to this Bill. It is purely a temporary measure to get over the difficulty that has been brought about because of the delay in receiving the Governor General's assent and elections in some union boards being held in the meantime. Government had no power to stop election under the amended Act and, therefore, elections had to be proceeded with. These are the main provisions of the Bill and I do not think I need stress any other point in this Bill.

The motion was put and agreed to.

Clauses 1 and 2.

The question that clauses 1 and 2 stand part of the Bill was put and agreed to.

Preamble.

The question that the preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Village Self-Government (Temporary Provisions) Bill, 1935, as settled in Council, be passed.

MAULVI SYED MAJID BAKSH: I would like to ask one question to the Hon'ble Minister, as I have not been able to follow his speech. He said in those union boards in which elections have already been held those elections will stand. May I know from him if in those cases nominations will be made and the board will be formed immediately or nominations will be made next year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Nominations will be made forthwith and the boards will be reconstituted as soon as possible.

The question that the Village Self-Government (Temporary Provisions) Bill, 1935, as settled in Council, be passed, was put and agreed to.

The Bengal, Agra and Assam Civil Courts (Bengal Amendment) Bill, 1934.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to present the Report of the Select Committee on the Bengal, Agra and Assam Civil Courts (Bengal Amendment) Bill, 1934.

The Report of the Select Committee is the result of a compromise. You will remember that the provision in the Bill was that the selected *munsifs'* jurisdiction should be raised from Rs. 2,000 to Rs. 5,000. Now the compromise is that it should be increased to Rs. 3,500. There is a further clause introduced by the Select Committee that it is only such selected *munsifs*, as would sit in places where there were subordinate judges, who would be able to exercise this jurisdiction. The reason for that is that one of the criticisms was that if selected *munsifs* were given larger jurisdiction and such *munsifs* held their courts away from district headquarters then the litigants might not get adequate legal assistance; therefore, it was desirable that suits of higher value should be tried, at such headquarters, in selected places and that is clause (*b*) of section 5.

With regard to the small cause court power the proposal in the Bill was that the Subordinate Judge's power should be raised from Rs. 500 to Rs. 1,000. But the Select Committee has adopted Rs. 750. As regards the *munsif* the proposal was to raise it from Rs. 250 to Rs. 500. But the Select Committee has reduced it to Rs. 300. These are the changes which have been made by the Select Committee. It has only scaled down the proposals in the Bill and Government accepted the proposals.

I beg to move that the said Bill, as reported by the Select Committee, be taken into consideration.

The motion was put and agreed to.

Clauses 1, 2, 3 and 4.

The question that clauses 1, 2, 3 and 4 stand part of the Bill was put and agreed to.

Khan Bahadur Maulvi EMADUDDIN AHMED: I beg to move that in clause 5(*b*), in line 4, for the words "three thousand five hundred rupees" the words "three thousand rupees" be substituted.

Sir, my contention is that to raise the jurisdiction from Rs. 2,000 to Rs. 3,500 is a big jump. As regards selected *munsifs* there is one difficulty, that they will not have time for hearing suits of higher value. They will be always busy with small cause court suits and

ex-parte suits, and after doing all these things they will not have sufficient time to exercise this jurisdiction. So I think that for the present the jurisdiction should be Rs. 3,000 instead of Rs. 3,500.

The Hon'ble Sir BROJENDRA LAL MITTER: I want to remove an impression which I found was largely held by members and that was that every *munsif* was going to try suits up to the value of Rs. 3,500. That is not the effect of this change. This is the maximum. It is only selected *munsifs* who can have jurisdiction up to Rs. 3,500, not that every selected *munsif* will have jurisdiction up to that limit. It is the maximum limit. In the first instance his jurisdiction may be raised by Rs. 500; after a few years it may be raised by another Rs. 500 and so on till he is about to be made a subordinate judge, when he may be invested with power to try suits up to Rs. 3,500. It is not that in one jump we are going to raise the jurisdiction to Rs. 3,500. I hope hon'ble members will consider that a *munsif* who is to-day trying a suit of the value of Rs. 3,500, may to-morrow be a subordinate judge when his jurisdiction will be unlimited. In the case of such selected *munsifs*, who have gone up high in the ladder and are about to become subordinate judges, that maximum will be reached. If this is kept in mind, I think the objection is fully met. I oppose the amendment.

Khan Bahadur Maulvi EMADUDDIN AHMED: Sir, I beg leave to withdraw my amendment.

The amendment was then, by leave of the Council, withdrawn.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that after clause 5 (*b*) the following be added, namely:—

"Provided that a *munsif* so empowered shall be relieved of trying *ex-parte* and uncontested matters."

My intention is to provide that when a *munsif* has to be empowered with this jurisdiction—it is not that every *munsif* should be so empowered—to see that he is competent to try exceptional cases. I beg to suggest that it may be provided that whenever this power is given the selected *munsif* should be relieved of doing *ex-parte* and uncontested suits so that he may have sufficient time to give proper attention to the cases of higher value. Certainly, there would be additional *munsifs* almost everywhere. But in a place where there is only one *munsif* and one subordinate judge the subordinate judge should try cases of higher value and the *munsif* need not be empowered under the new provision. But wherever this power is given, care should be taken that his hands are not tied up with unimportant cases. He must not devote his time to try unimportant cases, but give full attention to trying only important ones. In cases of higher value, the money-suits may not be

of so much importance, but there may be other kinds of suits of some importance—especially so in cases where local investigation and survey in a disputed locality with the help of maps and reports are necessary —much time is required to see that justice is done, and in order that this may be ensured, I suggest that it is only proper that the *munsif* should have ample time to adjudicate on the matter. There is a tendency nowadays, Sir, on the part of the subordinate courts to show quick disposals of cases and, as a matter of fact, they sometimes dismiss cases on very flimsy grounds. Anyhow, the *munsif* tries to minimize his labour, and it is an open secret that the amount of care which is necessary for the disposal of an important case is not usually bestowed upon it. It is, therefore, that I suggest that this may be clearly provided in the law. Of course, special care should be taken to invest selected *munsifs* with this power, but it must be ensured that they do not experience any difficulty in devoting as much time as might be necessary for the disposal of such cases. I, therefore, suggest that the *munsifs* may be specially empowered only with the suggested restriction so that they may be able to take up contested cases only and pay proper and adequate attention to them.

With these remarks, Sir, I would appeal to the Hon'ble Member in charge of the Bill to consider my suggestion and to accept my amendment.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I appreciate the object underlying this amendment. As I understood the hon'ble member, his point is that the time of selected *munsifs* should not be wasted in trying petty cases and that the whole of his time should be devoted to the disposal of serious cases. I fully appreciate his argument, but will this amendment of his serve that purpose? I am afraid, on the contrary, that this amendment will rather lead to confusion. Sir, the mover says in his amendment: ".....relieved of trying *ex-parte* and uncontested matters." Might I ask at what point of time is a suit an *ex-parte* and uncontested suit? When a defendant files his written statement and raises issues, the suit becomes contested. He files his written statement merely for the purpose of gaining time, and then, when the case comes up for trial, he does not appear, and the case is decided *ex-parte*. If you make a statutory provision that a selected *munsif* shall not try *ex-parte* suits even if they came on in the usual course then, in the case I have mentioned, would you say that the *munsif* tried that suit without jurisdiction? This is the sort of confusion that would arise. Then, take the converse case. A man files a false plaint, and the defendant files a written statement and the case is ready for trial. On the day of the trial the defendant comes up with his witnesses. The plaintiff finding himself in a hopeless position does not turn up, with the result that the suit is dismissed *ex-parte* for default of the plaintiff. Can you say that the *munsif* in this case granted the decree

without jurisdiction? Sir, I submit that this is a matter which is really for administrative arrangement. The High Court, no doubt, will issue instructions that selected *munsifs*, who are to try the higher-valued cases, should have their lists relieved of petty cases. This is certainly a matter for executive order by, and instructions from, the High Court: it is hardly a matter for statutory provision. Once you make a statutory provision it means that you curb the jurisdiction of the *munsif* and that would lead to endless confusion. In this view of things, Sir, I hope the hon'ble member will see his way to withdraw his amendment.

The amendment was, by leave of the Council, withdrawn.

Clauses 5 and 6.

The question that clauses 5 and 6 stand part of the Bill was put and agreed to.

Clause 7.

Maulvi SYED MAJID BAKSH: Sir, I beg to move that in clause 7, in lines 1 to 3, the words "for the words 'five hundred rupees' the words 'seven hundred and fifty rupees' and" be omitted.

Sir, the reason for my amendment is not very far to seek. The section is likely to be absolutely useless unless and until the Bengal (Provincial) Small Cause Court Act is amended along with it, inasmuch as the Small Cause Court Act says that all suits of a civil nature of which the value does not exceed Rs. 500—there it is written Rs. 500—will be within the cognizance of the court of small causes. Sir, if you here increase the jurisdiction from Rs. 500 to Rs. 750 and the Small Cause Court Act keeps the limit fixed at Rs. 500, I think the amendment will be absolutely useless and to no purpose. I hope, Sir, that the Hon'ble Member will kindly consult that section of the Small Cause Court Act and find out whether any useful purpose will be served by making this amendment.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to support this amendment. This is the only provision of the Bill which is of any real substance, because the other provisions with regard to raising the power of the *munsifs* do not affect anybody, except perhaps the Government. It only enables them to keep a number of *munsifs*, who would otherwise have been subordinate judges, in the cadre of the *munsifs*. That is the long and short of the matter: instead of appointing them subordinate judges you keep them as *munsifs* and give them additional powers. That is the reward you give them: but that does not affect the public very much. But this is a matter which affects the public. The raising of the limit of the jurisdiction of the small

cause court would mean that in suits of higher value the summary procedure characteristic of these courts is going to be followed. In cases of small value it does not matter very much if summary procedure is followed, but the limit which is already there would seem to be adequate. Perhaps, the call is rather more for the reduction of that limit than for its increase.

The Hon'ble Sir BROJENDRA LALL MITTER: Sir, I am afraid that Maulvi Syed Majid Baksh is labouring under a misapprehension. His point is that you may raise the jurisdiction from Rs. 500 to Rs. 750 in this particular Act, but that such raising would be contrary to the provisions of the Small Cause Court Act and, therefore, would not be operative. That I understood to be his point. But he forgets that in the Small Cause Court Act it is provided that Government by executive order may raise the jurisdiction of a court of small causes up to Rs. 1,000. That being so, this point was taken by the Maulvi Sahib, probably, under a misapprehension.

As regards raising the power of the small cause courts from Rs. 500 to Rs. 750, Dr. Naresh Chandra Sen Gupta says that this power should not be raised but, on the contrary, should be reduced. Sir, I submit that this provision to which Dr. Sen Gupta has objected is one of the main planks of the Bill. We wanted to raise small cause court powers both of the subordinate judges and the *munsifs*. The original proposal was to raise the jurisdiction to Rs. 1,000; Rs. 750 is the compromise figure.

Sir, if you consider this matter a little more closely, you will find that really there is not much danger. Suppose there is a suit, arising out of a promissory note, in a small cause court. What does it matter whether the note is for Rs. 500 or Rs. 1,000? Is a promissory note of greater complexity because of the amount? I can well understand that when there is complexity in a suit, there ought to be an appeal but suits of a small cause court nature are generally suits in which complex, intricate questions of law are not involved. That being so, the amount —whether it is Rs. 500 or Rs. 750—makes very little difference. It takes the judicial officer just the same time to decide a case of the value of Rs. 500 as it takes him to decide one of Rs. 750. Only one witness perhaps is required to be examined to prove the genuineness of the promissory note whether it is for Rs. 500 or for Rs. 750; and the procedure will be the same whether the amount is Rs. 500 or Rs. 750. (Dr. Naresh Chandra Sen Gupta: What will happen if the amount is Rs. 50,000?) Fifty thousand rupees? Small cause courts exercise summary jurisdiction. The policy of the law is that summary jurisdiction should not extend to big amounts. And if after 25 years we have raised the amount to Rs. 750, surely it is not too big a rise. Sir, on the last occasion that I spoke on this subject I pointed

out that several provinces have got small cause court jurisdiction up to Rs. 1,000 and even over, but here we are raising it only up to Rs. 750. So, I submit that there is not much substance in the objections that have been raised.

I oppose the amendment.

The amendment was put and lost.

Khan Bahadur Maulvi EMADUDDIN AHMED: Sir, I beg to move that in clause 7, in lines 2 and 3, for the words "seven hundred and fifty rupees" the words "six hundred rupees" be substituted.

My contention is that before this amendment the *munsifs* had jurisdiction over cases of the value of Rs. 250 and the subordinate judges over cases of the value of Rs. 500. So, the jurisdiction was in the ratio of 1 to 2. Now, Sir, the *munsifs* have been invested with the power to try cases of the value of Rs. 300, and consistently with the principle hitherto obtaining the ratio between the pecuniary jurisdiction of these respective officers should not be disturbed, that is to say, the new limits for the *munsifs* and the subordinate judges should be Rs. 300 and Rs. 600, respectively, and not Rs. 300 and Rs. 750. If the proposal contained in the Bill is accepted, I have no doubt that there will be great heart-burning amongst the *munsifs* against whom you are making this invidious distinction.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, the mover's argument is based on an arithmetical calculation. In matters of legislation we do not always go by arithmetical rules. Sir, I oppose the motion.

The amendment was put and lost.

Clauses 7 and 8.

The question that clauses 7 and 8 stand part of the Bill was put and agreed to.

Preamble.

The question that the preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BROJENDRA LALL MITTER: Sir, I beg to move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Public Security (Extending) Bill, 1935.

The Hon'ble Mr. R. N. REID: Sir, I beg to introduce a Bill to extend the operation of the Bengal Public Security Act, 1932.

(The Secretary then read the short title of the Bill.)

The Hon'ble Mr. R. N. REID: Sir, I beg to move that the Public Security (Extending) Bill, 1935, be taken into consideration.

Kazi EMDADUL HOQUE: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 1st January, 1936.

Sir, three years ago we passed this Act. Many of us were of opinion then that the Public Security Act would be of no avail, because the actual disease was not properly diagnosed, with the result that the remedies that were applied could do no good. Three years after, Sir, we find that our prophesy has come to be fulfilled. We do not see that the passing of this Act could root out the terrorist activities from this land. Murders and assassinations are going on as merrily as before. Only a few days ago a sub-inspector, named Ershad Ali, was assassinated within the precincts of the police compound. So, Sir, we find that the passing of this Act has not been able to root out the so-called terrorist movement. Now the Act has been given a very good trial. Three years' time is not a matter of joke and a full three years' time was given to the Government to make their experiments and they have made their experiments, but they have proved altogether barren. Why so, Sir? It is because they have not gone to the root of the case, or else why is it that such a movement should still go on? Is it that there is a political motive behind it? I do not think for a moment that the agitators were actuated by any political motive to commit the murders and assassinations in order to drive out the British from the land; they were moved by some other considerations. As they are all educated people, they are expected to have at least this much of intelligence that with all these attempts it would not be possible for the people of this country to drive out the Europeans. They are very secure nowadays, so secure that even if the whole world combine against them, it would not be possible to turn out the Britishers from this country. So our educated section of the people must have this much wisdom to know for themselves that no amount of such assassinations or murders will bring about the freedom of this country. Nay, they are not freedom-hunters. It is not the case that these people are after freedom; they are not pursuing this line for the liberation of this country. Those who are really after the liberation of this mother-country of India are the followers of Mahatma Gandhi whose cult is non-violent non-co-operation. They think that it is only by pursuing

this principle that they can achieve their aim and not by any other effort. But the miscreants who follow the terrorist activities are not for the liberation of their country. It is not people like them that are fighting for the liberation of this country. I feel, Sir, that they are quite a different sort of people. Who are they then? They are the educated people who finding no avenue for employment have joined this movement. So, if the Government want to root out a movement like this—a movement which has gone underground—they must go to the root cause, *i.e.*, to successfully tackle the unemployment problem. For want of employment the educated section of the people have grown desperate. Even after obtaining University degrees they are not getting any employment and are rotting in the streets. Their necessities must be satisfied. But as they do not get any job, what are they to do with their cultured brain? Thus, when their lives become unbearable to them, they grow desperate and pursue a line by which they know well freedom will not be achieved, but by which they want to put an end to their miserable lives. Those who commit assassinations and murders in broad daylight know full well the consequences of their act and, knowing the consequences, they do these things! So, if you really want to drive away these terrorist activities from this country, you have got to find employment for the educated people of this country, and unless and until you can solve that question a temporary check will not do. Sir, the Government Benches may say that they have sufficiently controlled the movement, but controlling the movement will not do. I do not think they have sufficiently controlled it. If for a year or so owing to oppression the movement has to some extent subsided, still a temporary subsidence or suppression is not an annihilation. Suppression may be possible, but annihilation not, and it is not possible to pursue a repressive policy for a long time. So if the Hon'ble Member says that the method Government have adopted has proved successful, I must say that it is simply an empty swank. You have tried your experiment for some time, the Act has been given a fair trial, and it has not proved successful. Then leaving aside the question of prestige for the time being, why not take our advice and give it a practical shape? You have been trying, at any rate you are making a show that you are trying, to solve the question of unemployment in various ways. If only you can do that in earnest, then I think this Act will soon be a thing of the past. Let us, therefore, direct all our attention to this particular subject. You are also conscious that it is because of this unemployment problem that the situation has become so acute that the movement has found a place. You tacitly admit it. So why not try to solve this problem radically? You say in silence that you are going to the root of the matter. But the method of tackling the question on your part will not really solve the question. The money that you want to appropriate for the purpose of this matter will not even touch the fringe of that question. It is only if you want to carry

on that thing on a more extensive scale that the problem of unemployment will be solved more expeditiously, and then surely there will come a day when you will not hear of such assassination or murder anywhere. Anyway, it is your duty to restore peace in the country and this can be assured in the manner suggested. Pray try this? You have had ample experiments, but they have failed; now try this experiment. If you fail in this, then you will be justified in coming up again to ask us to give you this extension. You cannot say that our suggestion will not be fruitful and is not reasonable, because you are yourself admitting in a way that the unemployment question has become very acute in this country, and it has driven the people to desperation. So I ask Government to try to follow the right course, that is the solution of the unemployment question, that will bring about the desired result, instead of pursuing the course by which often innocent persons are harassed for nothing. The Act has armed many officers with undue power and the result has been that many innocent persons have become victims to it. We have seen during these years how young boys have been treated under the provision of this Act. The powers are exercised mainly by the District Magistrates. Now with due submission to my hon'ble friends in the Treasury Bench, I must frankly say that the District Officers have not the judicial temperament in them. They are of the military temperament; they do not know how to accommodate people. I will give you an instance of the temperament of a District Officer of my place, Mr. S. K. Ghose. To-day's answer has revealed some of the matter in this direction, and I was going to put some supplementary questions to elicit more when, Sir, you called another question and I could not put them. The District Officer cannot even tolerate a gentleman's request.

Mr. PRESIDENT: But why do you want to circulate the Bill? Don't forget your motion, please.

Kazi EMDADUL HOQUE: The Act wants to arm the District Officers with certain powers. My submission is that the District Officers ought not to be armed with these powers unless for the matter of that public opinion will have been secured in their favour. Whether my bias against them is the result of my own experience or the experience of other people also has to be tested. I have sufficient experience of my own district. Other people may have similar experience of their own districts too. I may not, perhaps, urge very emphatically now that District Officers should not be armed with such extraordinary powers from experience of my own district, but popular opinion should be sought as to whether these officers elsewhere behave just as the District Officer of my place does. If that is the case, then of course public opinion supports my case. By way of illustration I give you the description of my own District Officer. What does he do? Certain people came and lodged certain complaints against——

The Hon'ble Mr. R. N. REID: On a point of order, Sir. May I enquire whether the District Magistrate to whom Kazi Emdadul Hoque refers was acting under the Bengal Public Security Act when he took this terrible step?

Mr. PRESIDENT: He is still thinking of the supplementary question which he put during question time. (Laughter.)

Kazi EMDADUL HOQUE: That was a very vital question. The answer revealed——

Mr. PRESIDENT: Will you please forget that and confine your remarks to your motion?

Kazi EMDADUL HOQUE: Will not the District Officers be armed with extraordinary powers by virtue of this Act? If so, then I am entitled to make some reflections upon the conduct of——

Mr. PRESIDENT: No, not with reference to the incidents that you mentioned in your question, as those do not come under the Bengal Public Security Act.

Kazi EMDADUL HOQUE: That is by way of illustration without naming the officer.

Mr. PRESIDENT: You can criticise any action that might have been taken under the Bengal Public Security Act, but you cannot refer to incidents which have nothing to do with it. The District Officer was not acting under that particular Act when he took the steps you complained of.

Kazi EMDADUL HOQUE: They are now certainly acting under this particular Act. So far as that particular matter is concerned, that may not be true. But I am going to show the temperament of the District Officers with regard to this particular motion——

Mr. PRESIDENT: No, you cannot do that.

Maulvi SYED MAJID BAKSH: On a point of order, Sir. Is not one entitled to discuss the temperament of those District Officers whom the Act is going to arm with these extraordinary powers?

Mr. PRESIDENT: No, we have at present nothing to do with the temperament of a District Officer in the general sense. Kazi Sahib can criticise such actions of the District Officer as were taken under the Bengal Public Security Act and by which, according to the light in him, injustice was done to a person or persons. He may cite instances, if any, which may go to show that any power, given to the District Officer under this Act, was abused.

Maulvi SYED MAJID BAKSH: No, probably there is no possibility of the abuse.

Mr. PRESIDENT: What do you mean?

Maulvi SYED MAJID BAKSH: You are going to arm a certain class of persons with extraordinary powers and then from experience a certain gentleman says such is the general temperament of these officers——

Mr. PRESIDENT: That sort of argument is absolutely futile. For his present purposes, the member should point out, if he can, blemishes of such incidents only as were taken under the Act under review. It is for him to show that District Officers actually abuse the extraordinary powers you referred to. He cannot raise the question of temperament in a general sense by sweeping remarks which I shall not allow. He may, if he is able, also expose the dangerous character of the powers with which the District Officers are being armed by the Act in debate.

Kazi EMDADUL HOQUE: I must bow to your ruling. We find during a trial under this Act little boys were hauled up and were penalised with sentences ranging from two years to six years. The other day we found two boys under trial——

The Hon'ble Mr. R. N. REID: May I ask which district?

Kazi EMDADUL HOQUE: My own district, Rangpur.

The Hon'ble Mr. R. N. REID: The Bengal Public Security Act has never been applied to Rangpur. It is not in force there.

Kazi EMDADUL HOQUE: May be, but if you enquire you will find that two boys of 14 years of age were home-interned. They were reported to have been conversing with one another and they were prosecuted, although these boys were 14 years of age——

The Hon'ble Mr. R. N. REID: Not under the Public Security Act.

Kazi EMDADUL HOQUE: May be, but yet they gave an undertaking that they would not in future converse with one another; still they were heavily fined. So what I was going to say is that if a District Officer is armed with these extraordinary powers he would not justify those powers given to him, and he would not make the best use of those powers. He will abuse them. And as we find that in these extraordinary cases the District Officers cannot maintain equanimity of temper and as such they will not be able to meet out justice to the persons who would be brought under this Act, I think the question of

prolonging its life must have a popular backing and for the matter of that circulation of the Bill is urgently called for. With these words I commend my motion to the acceptance of the House.

The Hon'ble Mr. R. N. REID: I think——

Mr. P. BANERJI: On a point of order. Am I not entitled to move my motion No. 80D?

Mr. PRESIDENT: I have called out Mr. Reid's name. Will you please resume your seat. I can take up your amendment later. You need not be in a hurry. When I call out a member's name, I don't want any other member to rise with him simultaneously.

The Hon'ble Mr. R. N. REID: I think I owe an apology to the last speaker but one, Kazi Emdadul Hoque, for having missed my opportunity of making an opening speech when I moved that the Bill be taken into consideration, because I might have been able to convince him that most of the references in his speech to terrorism, to the hauling up of young boys, and all the rest of it, were quite irrelevant because we are not discussing the Act which was passed in order to deal with terrorism.

(At this stage the Hon'ble President vacated the Chair, which was taken by the Deputy President.)

I think the Kazi Sahib was a member of this House in November, 1932, when the late Sir William Prentice introduced the Bengal Public Security Bill, and he explained then that the existing Ordinance, which was called the Special Powers Ordinance, was about to expire, and that in the opinion of Government it was necessary to take statutory powers to replace that Ordinance. The country at that time has had bitter experience of the civil disobedience movement and its deplorable consequences, and I think public opinion and certainly the opinion of this House, as evidenced by the way in which it passed this Bill, was in favour of taking some permanent powers in order to have a weapon in hand to deal with the possible revival of similar subversive movements. That was the reason for the introduction of the Bengal Security Bill and, on that understanding and knowledge, this House passed that Bill. The reason for the particular date which was assigned for the life of the Bill was that at that time in 1932 there was a general belief that a new Constitution was going to come in 1933 or 1934. When Sir William Prentice was introducing the Bill, he reminded the House that the Third Round Table Conference was then sitting, the Home Government and the Government out here were doing their best to expedite the inauguration of the new Constitution, and that the new Constitution was not very far off. The reason for the Bill was this, and the point of view which actuated the Government to introduce the Bill was

that it was their bounden duty—it was the bounden duty of the existing Government—to hand over the machinery in good running order and with all the necessary apparatus to keep it in good running order. They considered that the powers granted by the Bengal Public Security Act were a part of the apparatus necessary to keep the machine going properly. Experience falsified the prophets of 1932 and there was no new Constitution in 1933 or 1934; but we are better off now. The Government of India Bill is now an Act and as far as indications go, there will be new elections towards the end of the next year, and it looks as if we should be blessed with a new Constitution early in 1937. The same reasons that prompted the Government to introduce the Public Security Bill of 1932 actuate them now in asking this House to agree to extend the life of that Act. The point then was to give the Act a period of existence which would overlap the time within which the new Constitution was expected to come into being, and similarly now the period to which it is desired to extend the Bill is one which will overlap the date on which the new Constitution is expected to come into being. The main reason, therefore, for this Bill is quite a simple one, as it was in 1932, and that is that Government consider that it is a necessary precaution to have these powers in existence in case they are wanted, and that it is both wise and fair to furnish those who will administer the new Constitution with weapons with which they can deal if necessary with the kind of subversive movement that the country suffered from during the time of the civil disobedience movement and which unfortunately there is no real reason to suppose they may not possibly suffer from again.

As regards the period again, the period is one of five years, that is to say the life of the Act is intended to be extended up to 31st December, 1940. If the time-table which I have mentioned just now comes off, it will give the new Constitution the time to get itself settled and know its own mind as to whether it would like to keep the Act in force or to get rid of it, or perhaps to arm themselves with more drastic powers. I remember when in 1932 this Bill was discussed Mr. N. K. Basu moved an amendment the effect of which was that the Act would expire barely six months after the new Constitution came in. It was to the effect that the Act would come to an end by the 30th June, 1934. I think it is dangerous to have too short a period. The new Constitution will come in, the new machinery will be installed, the new mechanics and the new foremen, and especially the foremen, will be new to their job: they want time to get used to their job. It is, therefore, not fair and reasonable to ask them too early in their career to turn their minds from the immediate duty of running an unaccustomed machine to considering the very difficult question as to whether they should scrap or maintain what we regard now as an essential part of the machinery. It is easy enough to drop a thing, it is easy enough to repeal a piece of

legislation, but it is not so easy to replace it and in the meanwhile you are left with nothing, and you run possibly considerable danger. Also you can have your piece of machinery, but you need not use it. Take for instance this Act, which according to the mover of the last motion, has been used with such harassing results against certain terrorists. This particular Bengal Public Security Act has only been put into force in three places. It was extended in part of the Midnapore district in 1932 and extended to part of the Hooghly district in the same year, and it was again extended for a short period, and very soon after removed in certain areas in 1933 at the time when it was proposed to hold the Session of the Congress in Calcutta. It has never been extended to Rangpur as I have said, and it has never been extended to a dozen other districts in Bengal.

The fact that the Act has been little used is, I maintain, no proof that it is useless. In fact, I think Government can claim credit for not having used the Act more widely than they have. It shows that they did not take the opportunity of recklessly using the power which the Act contains. Therefore, Sir, it is on grounds of common prudence that Government have brought this Bill before this House to extend the life of the Bengal Public Security Act.

As regards this particular motion, I find it very difficult to extract or to find in the mover's speech any very pertinent reference to the need for circulation in spite of the exhortations of the Hon'ble President. I think the circulation of a Bill of this nature which is not a Bill containing new provisions but a Bill to extend an existing Act is out of place. Circulation is generally regarded as an appropriate procedure in case of Bills or enactments which contain possibly something new in principle or something to which the province up to now has been unaccustomed. Circulation might have been appropriate when the Bill was first introduced in 1932.

Mr. SHANTI SHEKHARESWAR RAY: But it was not circulated.

The Hon'ble Mr. R. N. REID: I said it might have been appropriate. I submit, Sir, quite seriously that it is inappropriate now.

There is one more point in which I venture to think Kazi Emdadul Hoque went completely wrong when he dilated upon the question of arming the executive with all sorts of drastic powers which in his view were certain to be misused. I have shown just now, Sir, that the Act has only been extended to a very limited area in the province and, therefore, the opportunities which these callous District Magistrates have had for misusing their wide powers have been very few, and in the second place they have in fact used these powers very, very little and never to my knowledge wrongly. I think, therefore, that

the mover of the motion has nothing to go upon in past history. He surmises all sorts of awful things in the future, but if we can judge from past experience it is not in the least likely that these powers would be misused if the Act were extended beyond what has been extended up to now. I beg, Sir, to oppose the motion for circulation, and I trust my reasons will be acceptable to the House.

Mr. P. BANERJI: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1935.

First of all I will refer to the speech of the Hon'ble Member while opposing circulation. He said that Government deserved credit. The Hon'ble Member deserves credit for the very fact that this Act has not been extended to several parts of the province. But it shows definitely that the Act was unnecessary. We said so in 1932. Government were armed with sufficient powers to control the situation. But they thought that additional powers were necessary. From the fact that the Act was so sparingly used and was not extended to many districts of this province, it is evident that these additional powers are not necessary. Therefore, I think Government deserve no credit whatsoever. Now I am only asking the Government to circulate this Bill for eliciting public opinion by the 31st October, 1935, that is during the lifetime of the present Act. The Act expires on the 31st December, 1935. The Hon'ble Member mentioned that Mr. Narendra Kumar Basu, the leader of the opposition, at the time of the consideration of the original Bill, put in an amendment to the effect that the life of the Act should be extended for a period of six months after the inauguration of the new Constitution. That was the time when everything was uncertain. Now that the Government of India Act has been passed and we are on the threshold of the new Constitution which is coming into existence either on the 1st of January, 1937, or 1st of April, 1937, the Hon'ble Member says that this machinery must be kept intact for the future Government; the anxiety of Government is that the future Government should be given time to see whether this measure is necessary or it may be scrapped. As I have just now pointed out, I want this circulation so that the views of the public bodies may be before us when we meet again probably in November. So that when those opinions are before the House and the Government we on this side of the House will be in a position to judge what the public think of this extending Bill. Sir, from 1930 onwards we have provided this Government with emergency powers by passing a good many Acts, and the last of them was the Public Security Act. At that time we pointed out that those Acts were all unnecessary and that the ordinary law could cope with the situation and this Bill is also unnecessary now. But even admitting for argument's sake that it is necessary,

let us remember what this Act does: The Act was passed to confer special powers on the Local Government to enable it in case of emergency to combat activities subversive of law and order or prejudicial to the public security, for the suppression of which the ordinary powers of Government are inadequate. But it has been proved by the mere fact of its very infrequent use that the ordinary powers of Government are quite sufficient and this Act was, therefore, absolutely unnecessary. What do we find if we go into the details in the districts where these Acts have been promulgated? We find that in those districts Government is run by the military. It is well known that in some districts there is the Curfew Order by which no one is allowed to go out of doors after 6 p.m. There is also the military march in those districts, which cause untold hardship and misery on the people in those districts. There have been a lot of such instances and it is very difficult to gauge the situation for the simple reason that while Government are trying to put down subversive activities—in fact, they have themselves terrorised the people into submission—they will also not let any account of these incidents appear or be published in the newspapers. That being the case, it is almost impossible for the people at large to know what is happening in the countryside except those that are brought to the notice of particular members; the Hon'ble Mr. Reid knows that very well, and that it is the policy of Government to-day to put down these activities by any means and show to the world that they have crushed all such spirit of the people, and that there is no discontent in the country. Admitting for the sake of argument and at the same time agreeing with some of the suggestions of the Kazi Sahib, if it is maintained that Government has been successful in putting down such subversive activities, then is it not time and is it not quite reasonable that these laws should at once be repealed instead of the Hon'ble Member coming forward to have the Act extended? We consider the situation to be quite different in the countryside, *e.g.*, all is not well there and, therefore, we think that instead of doing this Government should bring everything to the notice of the public and allow public opinion to grow in the country and not put it down by prohibiting the publication of such news in the newspapers. What is the objection to doing so, Sir? A good Government always expects criticisms from the opposition and from the public in general and a good Government thrives on such criticism if they really want the good of the people, but this is a different matter altogether with our Government, and that is our grievance. We say that what you want to do you must do publicly and not secretly and not allow your henchmen to do in the countryside what they are at present doing. Instances of such oppression there are many, and they are well known to the Hon'ble Member. The Hon'ble Member says that we are on the threshold of the Reforms and we should provide sufficient machinery for the new Government to cope with the subversive activities in the country. But then, Sir, the

reformers, I mean those who will take charge of the administration of the country under the new Constitution, these things may well be left in their hands. So why should the Hon'ble Member be so anxious for them, since the present Government will have to abdicate and be lost in oblivion? If the future Government find it necessary for their purpose, it will be their business to bring such measures into force. It may be contended by the Hon'ble Member that it will be difficult for the new members to take stock of the whole situation in a short time, say, within six months, and that is why things are being kept ready for them in advance. But I say that things may be left in their hands without the present Government troubling themselves about it; they can be depended upon finding out what is necessary for the safety of the realm. So I submit that there is no necessity for the continuation of this measure. But we have no objection to this measure being circulated with a view to being informed of the opinion in the country. If then it is found that public opinion is in favour of this Act being extended for a further term, then and then only will the Hon'ble Member be justified in coming to the Council with a measure like this. Otherwise, this Bill cannot arise, but if it again be contended that it is the intention of the Hon'ble Member to safeguard the interests of the future Government, even then I am quite within the time because I have put the time as the 31st October up to which time Government can well remain without this amending Bill. We are likely to meet in November again and then can undertake this legislation if public opinion demands it. With these words I move my motion for the acceptance of the House.

Kazi EMDADUL HOQUE: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September, 1935.

I move the above motion formally, Sir, and make no speech.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I shall be very brief. The Hon'ble Member has opposed the last portion of the circulation motion on the ground that it is not a new Bill. It is an old friend of ours and everyone knows what it is, and, therefore, it does not require circulation. And in this connection he has been pleased to lay down certain principles with regard to circulation, quite oblivious of the fact that these principles did not appeal to him when he first introduced the Public Security Bill. Because at the time it was introduced it was a new Bill, no circulation was required and now that it has become quite old and familiar to us, it does not require circulation either. Might I remind hon'ble members that it is a Bill

which has been in operation for about three years in at least some of the areas in Bengal and that, therefore, on this Bill the people might have something to say—as to how it has operated upon the people, how the people of Midnapore have suffered. That is a matter upon which public opinion might well express itself. Even supposing that there is no objection to this Act being extended, a friendly critic might well point out what difficulties have been experienced in the practical application of this law, or how its practical application might be improved in the light of experience, and this is a matter the necessity for which cannot be ignored. I maintain that the Hon'ble Member was not speaking his own mind when he was opposing the circulation motion on such flimsy grounds; what was at the back of his mind was that public opinion did not matter to him, and that he did not care a tuppence for it, to be frank. That is a view which we can well understand. Sir, I am as little in favour of circulation as the Hon'ble Member himself, because I am opposed to this Extending Bill, lock, stock and barrel: I do not want it to be circulated at all.

The Hon'ble Mr. R. N. REID: Which Bill?

Dr. NARESH CHANDRA SEN GUPTA: The present Bill, aiming to extend the Public Security Act, of course.

The Hon'ble Mr. R. N. REID: Oh, I thought we were talking of the Public Security Act.

Dr. NARESH CHANDRA SEN GUPTA: Yes, but this little Bill does not consist of the few words in which it is couched. By implication it embodies every word of the Act which is in force. We as lawyers are familiar with certain rules of interpretation and how things are incorporated by implication in statutes. To us the words in the Bill are not so very material as what they really convey. To this I am opposed altogether. It has been said that the Act has been a great success and in the same breath it has been also said that it has not been put into operation at all except in Midnapore, Hooghly and once in Calcutta. Well, Sir, if that is so, it is very pertinent to ask whether what has been done under this Act in Midnapore, Hooghly and Calcutta, could not have been avoided and the end equally well achieved by other means. That is a matter which requires a certain amount of investigation and research. Well, Sir, if the Government were really serious about considering the operation of this Act before it was decided to extend it, they should have accepted with open arms

the proposal of Mr. P. Banerji to circulate the Bill for public opinion. They would thus know the mind of the people and those opinions would tell the Government exactly how they felt with regard to the Act. Then, Sir, my friend the Kazi Sahib has been pulled by the leg by the Hon'ble Member in charge of the Bill for making a mistake. The Kazi Sahib has been told that the Public Security Act was never in force in the Rangpur district. I suppose the non-official members may very well be forgiven for not being able to distinguish between the numerous repressive Acts and measures which have been passed. There are the Criminal Law Amendment Act, the Press Emergency Powers Act, the Suppression of Terrorist Outrages and such Acts, and it is very difficult for the uninitiated to distinguish one from the other as they are interrelated to one another. But the one thing which is common to them is that the freedom of the people is being taken away without anybody knowing the reason for it. The liberty of the people, if such a thing existed, has undoubtedly been interfered with. Young men have been taken away from their parents and interned in all sorts of places. These are things which we are seeing all round us; and living in that atmosphere, we might lose sight of the distinction between the Acts and talk of one Act while the other is being applied. Sir, the matter which, I submit, is well worth considering is whether the Public Security Act is at any rate a necessity after all the amendments of the Criminal Law Amendment Act have been carried out. Government has not found it necessary to extend the Public Security Act anywhere except in one or two places. The Criminal Law Amendment Act has been achieving the same result in other places, would it not have sufficed for your purpose in Midnapore? The Hon'ble Mr. Reid has not told us the reason why it could not. Perhaps, the reasons are not even known to him! He only knows what has been enacted must continue. Anything in the way of extra power which has been given to him, he will try his level best not to part with. Otherwise, it is very difficult to see the reason: When you have been able to deal with terrorism by means of the other powers, you would not be able to do the same in Midnapore. On the other hand, the administration of this Act in Midnapore has been a sufficient experience for the people. Midnapore has been terrorised; its political existence has been put a stop to altogether: and all because there were some terrorists there. Government says that the end has been achieved to a large extent: It has been achieved just in the same way as the Great Hanuman secured the immortal elixir by bringing the Gandhamadan, achieved it at the cost of an amount of suffering as was not at all necessary. The question is whether this is so. The Hon'ble Mr. Reid has not told us why this is so. He has not also told us why it is at all necessary to continue these powers in places like Midnapore. Sir, I submit that there never was a necessity for this Public Security Act:

there was never a necessity for the Criminal Law Amendment Act, or for the extra powers which have been given by these laws and which have been ruthlessly exercised to achieve certain results, which might have been achieved otherwise——

Mr. DEPUTY PRESIDENT: Dr. Sen Gupta, will you continue any length of time?

Dr. NARESH CHANDRA SEN GUPTA: No, Sir. I have almost finished. As I was saying, the results might have been achieved by other means, but that is a matter on which we may agree to differ. With the Criminal Law Amendment Act and the other powers which are already there, I do not think that an extension of the Public Security Act is at all necessary, and it can very well be dispensed with. The Government have also frankly confessed that it has not been of much use to them except in a particular place, and it was enforced there only because Government wanted to make a show that the Act was utilised.

Mr. DEPUTY PRESIDENT: Order, order. The Council stands adjourned till 3 p.m. on Monday, the 26th August.

Adjournment.

The Council was then adjourned till 3 p.m. on Monday, the 26th August, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 26th August, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 91 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Proposal to give Government contracts to educated Bhadralok class for supply of certain kinds of produce.

*80. **Rai Bahadur SATYENDRA KUMAR DAS:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Government are considering the desirability of encouraging educated *bhadraloks* to start vegetable and kitchen gardening and fruit farming by giving their contracts to the educated *bhadraloks* owning such farms?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, of Ratanpur): No Government contracts are made under a system of open competitive tenders. This department does not make any contracts for the supply of produce such as is referred to in the question but would be glad to receive and examine any specific information regarding possible sources of supply with a view to bringing it to the notice of the departments concerned.

Hackney carriages at Comilla station yard.

*81. **Maulvi SYED OSMAN HAIDER CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that the Assam-Bengal Railway Superintendent of Police has introduced the licenses without which the hackney carriages are not allowed to stay at the Comilla station yard for picking up passengers;

(*ii*) that the licenses issued are a few, numbering thirty;

(*iii*) that the total number of carriages in the town is about a hundred;

(*iv*) that daily average number of passengers from and to the town is five to six hundred; and

(*v*) that the number is enormously increased on the occasion of Id, Rathjatra, Maharam, Puja and various other festivals?

(*b*) Is the Hon'ble Member also aware—

(*i*) that the licensed carriages have been found insufficient in number for the passengers;

(*ii*) that the passengers are put to inconvenience and they have to agree to any price of hire that the few privileged carriage drivers demand especially when the passengers have ladies with them;

(*iii*) that the Chairman, Comilla Municipality, had sent a report to the District Magistrate on this subject;

(*iv*) that the District Magistrate, Tippera, referred the matter to the Railway Superintendent of Police?

(*c*) If the answer to (*b*) (*iv*) is in the affirmative, what action, if any, has been taken by the Railway Superintendent of Police?

(*d*) If no action has been taken yet, what are the reasons?

(*e*) Are the Government considering the desirability of taking steps in the matter?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*) Yes.

(*ii*) The number has been increased to 40 and it is proposed to raise it to about 100. Only 40 carriages can park at the station in the space available.

(*iii*) Yes.

(*iv*) Government have no statistics on the subject, but it is doubtful if the daily average number of passengers is as high as 500 or 600.

(*v*) Yes.

(*b*) (*i*) and (*ii*) According to the information in possession of Government, a shortage of vehicles is not a matter of daily occurrence.

(*iii*) and (*iv*) Yes.

(*c*) Action as noted in the answer to (*a*) (*ii*) has been taken.

(*d*) and (*e*) Do not arise.

Babu KHETTER MOHAN RAY: Is the Government aware that the number of licensed hackney carriages at Comilla Station is quite insufficient to carry the number of passengers who frequent the station?

The Hon'ble Mr. R. N. REID: No, Sir, the Government are not aware of that.

Babu KHETTER MOHAN RAY: Is the Government aware that out of the 40 licensed carriages only 20 to 30 carriages are found at the train time and, consequently, owing to the paucity of the hackney carriages, the passengers there are put to much inconvenience and hardship?

The Hon'ble Mr. R. N. REID: That is quite possible, Sir, but it is not the business of the Government to provide vehicles to convey passengers to their destination.

Babu KHETTER MOHAN RAY: Will the Hon'ble Member be pleased to ask the railway administration to increase the number of the hackney carriages at Comilla, 40 being too insufficient for the number of passengers there?

The Hon'ble Mr. R. N. REID: Nor, Sir, is it the business of the railway administration to provide hackney carriages; they provide railway carriages.

Damodar Canal.

*82. **Babu PROFULLA KUMAR CUHA:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to lay on the table a statement showing—

(*i*) the number of villages situated within the area calculated to be benefited by the Damodar canal;

(*ii*) the number of villages which actually entered into an agreement with the Government for supply of water in 1934-35 and 1935-36, respectively;

(*iii*) the area covered by such contract;

(*iv*) the revenue realised or expected to be recovered under the contracts in the years 1934-35 and 1935-36, respectively;

(*v*) the water rate fixed per acre for the years 1934-35 and 1935-36, respectively;

(*vi*) the number of villages and the number of plots within the area calculated to be benefited by the Damodar canal in which the crop-cutting experiment was made in the year 1934-35; and

(*vii*) the number of villages and the number of plots within the area calculated to be benefited by the Damodar canal in which the crop-cutting experiment will be held in the year 1935-36?

(*b*) Will the Hon'ble Member be pleased to state whether the Government expect that the experiment to be made this year will be a proper and sufficient experiment to arrive at a safe average?

(*c*) Did the Development Commissioner ever visit the area under crop-cutting experiment?

(*d*) If the answer to (*c*) is in the affirmative, what were the dates of such visits?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin : (*a*) (*i*) About 400.

(*ii*) In 1934-35 214 mauzas and in 1935-36 269 mauzas.

(*iii*) In 1934-35 approximately 89,000 acres and in 1935-36 approximately 100,000 acres.

(*iv*) In 1934-35 about Rs. 2,70,000 and in 1935-36 about Rs. 3,00,000.

(*v*) For long lease—in 1934-35 Rs. 3-8 and for season lease—in 1934-35 Rs. 4-8 and in 1935-36 Rs. 4-8.

(*vi*) Five villages and 800 plots.

(*vii*) So far 3 villages and 550 plots.

(*b*) Owing to the failure of cultivators to enter into leases in time for preparation to be made for the collection of data regarding plots to be selected at random, any crop-cutting experiments cannot provide sufficiently reliable data for calculating an average. But no one year's results would suffice in any case.

(*c*) No. The experiments were carried out quite independently by the staff of the Director of Agriculture.

(*d*) Does not arise.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to tell us whether the area irrigated by the Damodar Canal has been inundated by the recent floods this year?

Mr. PRESIDENT: This question does not arise.

Maulvi SYED MAJID BAKSH: I want to enquire, Sir, whether it is your decision or whether it is the decision of the Hon'ble Member?

Mr. PRESIDENT: It is my decision.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member please tell us whether the amount that he has shown has been realised under contract for a number of years or under a perpetual contract?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no perpetual contract.

Eden Canal.

*83. **Babu PROFULLA KUMAR GUHA:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) whether for the excavation of the Eden canal the Government had to acquire land; and

(*ii*) whether during the acquisition free gifts of lands were made by some of the landlords?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the names of the landlords who made such free gifts of lands;

(*ii*) the total acreage of such lands; and

(*iii*) the conditions, if any, on which such free gifts were made?

(*c*) Will the Hon'ble Member be pleased to state—

(*i*) whether it is a fact that the Eden canal was excavated primarily for the purpose of supplying free drinking water;

(*ii*) whether it is a fact that drinking water is supplied to the people from the Eden canal every year;

(*iii*) whether it is a fact that drinking water was supplied to the people last year, the year of severe drought; and

(*iv*) whether the Government are considering the desirability of issuing necessary orders for the regular supply of drinking water to the people in future?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) No.

(*b*) (*i*), (*ii*) and (*iii*) Do not arise.

(*c*) (*i*), (*ii*) and (*iii*) Yes.

(*iv*) No such orders are required.

The Joynagar Cut.

*84. **Maulvi SYED MAJID BAKSH:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether the Joynagar Cut has been completed?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) when it will be opened to let in flood water;

(*ii*) what is the expenditure incurred; and

(*iii*) what is the contribution of the Government?

(*c*) Is the Hon'ble Member aware that in the conference held in the room of the Minister for Local Self-Government an assurance was given by the authorities concerned that the Joynagar Cut would be completed this year?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The Joynagar Cut has been completed with the exception of a bridge.

(*b*) (*i*) and (*ii*) Government have no information.

(*iii*) Government have made no contribution towards the capital cost of the scheme, but Government officers have supervised the work.

(*c*) Yes.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that the Joynagar Cut has not been opened up till now?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, it has not been opened yet.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member kindly inform us whether or not after the subsidence of the flood water the cut will be absolutely useless for all practical purposes to be opened this year?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, if it is opened after the flood water subsides.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member tell us whether it will be opened before the flood subsides?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, We hope so.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that on account of a claim for compensation the cut has not yet been opened by the authorities?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government do not want a large acreage covered by paddy to be destroyed altogether.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that it is a public health scheme and that it is intended to save the country through which the river passes from malaria which is responsible for the loss of about 2,000 lives a year?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the Public Health Department will be in a better position to answer that question.

Ahsanullah School of Engineering.

*85. **Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether he is aware of the grievances of certain members of the staff of the Ahsanullah School of Engineering in connection with the introduction of the time-scales of pay for them;

(*ii*) whether Government in their letter No. 2252-Edn., dated the 17th July, 1929, accorded administrative approval to the introduction of time-scales of pay with retrospective effect, namely, from the 1st July, 1925, but no effect has yet been given to it;

(*iii*) whether in reply to a number of questions asked on the subject on the 8th April, 1935, an assurance was given that time-scales of pay would be introduced in their cases; and

(*iv*) whether it is a fact that the officers concerned have since been informed in Government letter No. 1512-Edn., dated the 28th March, 1935, that no time-scales of pay have been sanctioned for them?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state on what principle only one increment of pay has been sanctioned as stated in the Education Secretary's letter No. 1512-Edn., dated the 28th March, 1935?

(*c*) Is the Hon'ble Minister aware that by one increment, many of these officers who are serving under the Government for 10 to 15 years have not at all been benefited and the interests of some of them have been adversely affected?

(*d*) If the intention of giving one increment is to give relief to the officers, will the Hon'ble Minister be pleased to state why some have been given increment of pay and others deprived of it?

(*e*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) a list of the officers who have got the increment;

(*ii*) the dates of their appointment and confirmation;

(*iii*) the pay they had been drawing so long; and

(*iv*) their present pay after the increment given according to the revised scale?

(*f*) Are the Government contemplating—

(*i*) reconsidering the case of these officers; and

(*ii*) sanctioning for them time-scales of pay retrospectively from the dates of their appointment?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) (*i*) Yes.

(*ii*) The member is referred to the answer given to question No. 73 (*c*) asked by him on 8th April, 1935.

(*iii*) No.

(*iv*) The Director of Public Instruction has been so informed.

(*b*) Does not arise.

(*c*) No.

(*d*) The question does not arise.

(*e*) A statement is placed on the Library table.

(*f*) (*i*) and (*ii*) A representation which they have submitted is under consideration.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Minister in charge be pleased to state with reference to answer (*f*) whether he will be in a position to give a decision in the matter and, if so, when?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is very difficult to give an estimate, but the matter is being considered.

Temporary clerks in district offices.

***86. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the present number of temporary clerks, district by district, in the province, in the Landlords' Fee Department, Certificate Department, *Khasmahal* Department, Copying Department and other Collectorate Departments;

(*ii*) the number, if any, who were appointed, as such temporary clerks after they exceeded the age of 25; and

(*iii*) how many of them in each district are at present age-barred for permanent appointments?

(b) Is the Hon'ble Member aware—

(i) that according to rule 63 of the Board's Miscellaneous Rules recently promulgated the Divisional Commissioner can sanction the appointment of age-barred men up to the age of 30, not exceeding 4 in a year in the Division; and

(ii) that on account of the operation of the aforesaid rule most of these temporary clerks will have no chance of getting permanent appointments?

(c) Will the Hon'ble Member be pleased to state whether the aforesaid rule also applies in the case of those clerks who were appointed as probationers, but were not confirmed as permanent clerks before the promulgation of the said rule?

(d) Are the Government considering the desirability of amending the aforesaid rule to give temporary clerks a reasonable chance of being taken into permanent appointments?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (a) (i), (ii) and (iii) Temporary clerks are employed in all the district offices of the province; hence the collection of this information would entail so much labour, time and expense that Government regret that they are not prepared to undertake the work.

(b) (i) Yes.

(ii) Government are aware that by the operation of this rule some age-barred temporary clerks will have no chance of getting permanent employment.

(c) The rule applies to all temporary clerks whenever they were appointed but has no application to probationers.

(d) No. Government are not considering the desirability of amending the rule.

Maulvi TAMIZUDDIN KHAN: Is the Hon'ble Member in a position to give the total number of the temporary clerks?

The Hon'ble Sir BROJENDRA LAL MITTER: I must ask for notice.

Registered Libraries.

*87. **MUNINDRA DEB RAI MAHASAI:** (a) Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the

table a list of the existing libraries in Bengal registered under Indian Societies Registration Act (XXI of 1860), with their addresses?

(*b*) Are the Government considering the proposal of reducing the present rate of registration fee of Rs. 50?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) A list is laid on the Library table.

(*b*) No.

MUNINDRA DEB RAI MAHASAI: With reference to answer to 87 (*b*), will the Hon'ble Member be pleased to state whether Government do not consider the rate to be excessive for libraries?

The Hon'ble Sir JOHN WOODHEAD: No, Sir.

Export of tea waste.

***88. Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to state whether it is a fact that Messrs. Barlow & Co. have been granted the monopoly to buy tea wastes?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the quantity of tea wastes purchased by Messrs. Barlow & Co. at Calcutta during 1934-35;

(*ii*) whether the quantity so purchased by Messrs. Barlow & Co. at Calcutta was much greater than the quantities purchased by Messrs. Findlay & Co. and Messrs. Balmer Lawrie & Co. during 1932-33 and 1933-34; and

(*iii*) if so, what is the reason for such increase?

(*c*) Will the Hon'ble Member be pleased to state whether the Government are considering the desirability of enquiring if there is any chance of a portion of these wastes being utilised for human consumption?

(*d*) Is the Hon'ble Member aware that respectable Indian firms, with orders from foreign countries, were refused to be registered as exporters of tea wastes?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) No.

(b) Does not arise.

(c) No.

(d) There is no restriction on the export of tea waste.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether there is any restriction to the export of tea waste?

The Hon'ble Sir JOHN WOODHEAD: I have replied, Sir, in answer (d) that there is no restriction to the export of tea waste.

Mr. P. BANERJI: Is the Hon'ble Member aware that a circular notice has been issued by the Licensing Committee only day before yesterday that sale is restricted to three firms?

The Hon'ble Sir JOHN WOODHEAD: I am not aware of such a restriction.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to make enquiries into the matter?

The Hon'ble Sir JOHN WOODHEAD: No, Sir, I do not think I need make any enquiries into the matter.

Mr. P. BANERJI: If it is a fact, then what might be the possible objection of the Government to make an enquiry into the matter and find out that the reply given by the Hon'ble Member is contradictory to what is being done by the Licensing Committee?

The Hon'ble Sir JOHN WOODHEAD: I am certain that the reply I gave is absolutely correct. There is no restriction on the export of tea waste.

Howrah-Sheakhala Light Railway.

*89. **MUNINDRA DEB RAI MAHASAI:** (a) Has the attention of the Hon'ble Minister in charge of the Public Works Department been drawn to the unsatisfactory condition of the Howrah-Sheakhala Light Railway?

(*b*) Has he got any representation from the Howrah-Sheakhala Light Railway Passengers' Association regarding their grievances?

(*c*) If the answer to (*b*) is in the affirmative, what steps, if any, have been taken to remove those grievances?

(*d*) Has his attention been drawn to the—

(*i*) inconvenience caused to the daily passengers for the slowness of trains covering a distance of about 20 miles in 2 hours and a half, and

(*ii*) the inconvenience caused to the passengers during the rainy season from the leaky roofs in trains?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to take necessary action for the redress of these grievances?

(*f*) Is it a fact that every Saturday only 15 coaches are attached to 71-Up train and 62-Down train consisting of one first class, two inter class and two third class for females, leaving a balance of 10 coaches with 140 seats for male third class passengers?

(*g*) Is it a fact that the average number of passengers by each of these trains is 250?

(*h*) Are the Government considering the desirability of taking steps to provide additional coaches and adequate seats in the trains?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, of Ratanpur): (*a*) and (*b*) Yes.

(*c*) Government are investigating the grievances.

(*d*) (*i*) and (*ii*) Yes.

(*e*) Government are investigating the grievances.

(*f*) A statement showing the number of coaches which ran on 62-Down and 71-Up trains on each Saturday from 1st June to 20th July is placed on the table. It will be noticed that the number of coaches has recently been increased.

(*g*) The information is not available. The average number of passengers travelling by all trains during the half-year ending 31st March, 1935, was 182 per train. In the seven weeks ending 20th July, 1935, it was 110 per train.

(*h*) Since March, 1930, 17 unit coaches on this Railway have been scrapped and 10 bogie coaches have been supplied. Additional bogie coaches are being supplied in each half-year.

Statement referred to in the reply to clause (f) of starred question No. 89.

Date.	Number of coaches.	Seats.			
		First.	Inter.	Third.	Total.
82-Down.					
1935.					
1st June	14	8	28	191	227
8th June	12	8	28	152	188
15th June	13	8	42	156	206
22nd June	14	8	28	138	174
29th June	14	8	28	191	227
6th July	14	8	28	170	206
13th July	17	8	41	200	249
20th July	17	8	28	220	258
71-Up.					
1935.					
1st June	13	8	28	181	217
8th June	15	8	28	202	238
15th June	13	8	41	144	193
22nd June	14	8	28	213	249
29th June	14	8	14	209	231
6th July	14	8	28	186	222
13th July	14	8	28	156	192
20th July	16	8	28	205	241

MUNINDRA DEB RAI MAHASAI: With reference to answer (*c*), will the Hon'ble Minister be pleased to state when this investigation will be finished?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I am afraid, Sir, it is very difficult for me to say anything about it now.

Newspapers and printing presses.

***90. Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the names of the newspapers and printing presses from which security has been demanded under the Press Emergency Powers Act since its enactment;

(*ii*) the amount deposited by each paper and press during this period;

(*iii*) the names of papers and the amounts of their security forfeited so far; and

(*iv*) the number of newspapers to whom warnings have been given?

(*b*) Will the Hon'ble Member be pleased to state whether warning is given to papers and presses before demanding security from them and before their forfeiture of security?

(*c*) Will the Hon'ble Member be pleased to lay on the table another statement showing during the operation of the Press Emergency Powers Act—

(*i*) the names of papers which have been punished under the ordinary law; and

(*ii*) the nature of their offence and the punishment?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*), (*ii*), (*iii*) and (*iv*) Statements are laid on the table.

(*b*) Yes.

(*c*) (*i*) and (*ii*) A statement is laid on the table.

Statements referred to in the reply to clause (a) of starred question No. 90.

(*a*) (*i*) Names of newspapers and printing presses from which security has been demanded under the Indian Press (Emergency Powers) Act, 1931, since its enactment:—

1932.

1. Hindu Punch (newspaper).
2. Hari Press.
3. The Liberty (newspaper).
4. The Indian Daily News Press.
5. The Swatantra Press.
6. The Hind (newspaper).
7. The Yugasankha (newspaper).
8. The Sakti Press.
9. The Benu (newspaper).
10. The Basanti Press.
11. The Nayak (newspaper).
12. The Sahafat (newspaper).
13. The Bengal Art Syndicate Press.

14. The Narigaurab (newspaper).
15. The Vedic Press.
16. The Swadesh (newspaper).
17. The Sree Krishna Printing Works.
18. The Lokmanya (newspaper).
19. The Lokmanya Press.
20. The Viharee (newspaper).
21. The Viharee Press.
22. The Chasimazur (newspaper).
23. The Calcutta Printing Works.
24. The Sarathi (newspaper).
25. The Jamhoor (newspaper).
26. The Arya Printing Works Press.
27. The Jewan (newspaper).
28. The Jewan Press.
29. The Bijaya Press.
30. The Karkhana (newspaper).
31. The Ananda Bazar Patrika (newspaper).
32. The Ananda Press.
33. The Vedic Press.
34. The Amrita Bazar Patrika (newspaper).
35. The Amrita Bazar Patrika Press, Ltd.
36. The Dainik Basumati (newspaper).
37. The Basumati Electric Machine Press.
38. The Har Har Mahadeo (newspaper).
39. The Shivajee Press.
40. The Paradise Press.
41. The Al-Muslim (newspaper).
42. The Islamia Printing House Press.
43. The Viswamitra (newspaper).
44. The Viswamitra Press.
45. The Jayasree (newspaper).
46. The Bijoli.

1933.

1. The Ananda Bazar Patrika (newspaper).
2. The Ananda Press.
3. The Saraswati Press.
4. The Harijan (newspaper).

5. The Kshatriyasansar (newspaper).
6. The Binapani Art Press.
7. The Viswamitra (newspaper).
8. The Viswamitra Press.
9. The Commercial India (newspaper).
10. The Industry Press.
11. The Nayak.
12. The Sree Press.
13. The Pravartak (newspaper).
14. The Hind-i-Jadid (newspaper).
15. The Hind Press.
16. The Keshari Press.
17. The Sankalpa (newspaper).
18. The Sreeram Press.
19. The Punjab (newspaper).
20. The Punjab Press.
21. The Jangi Mazdoor (newspaper).

1934.

1. The Arya Printing Press.
2. The Sree Gouranga Press.
3. The Free India (newspaper).
4. The Gana Nayak (newspaper).
5. The Classic Press.
6. The Marx Panthi (newspaper).
7. The Viswamitra (newspaper).
8. The Viswamitra Press.

1935.

1. The Khadim (newspaper).
2. The Bandemataram (newspaper).
3. The Santi Press.
4. The Majdur Dunia (newspaper).
5. The Sridhar Sitala Press.
6. The Khadim Quadim (newspaper).
7. The Kamali Press.

(ii) Names of newspapers and printing presses which deposited security.

Names of newspapers and printing presses.	Amount deposited. Rs.
1932.	
1. The Liberty (newspaper)	... 3,000
2. The Indian Daily News Press	... 3,000
3. The Sakti Press	... 500
4. The Nayak (newspaper)	... 500
5. The Bengal Art Syndicate Press	... 500
6. The Vedic Press	... 500
7. The Sree Krishna Printing Works	... 1,000
8. The Lokmanya (newspaper)	... 1,000
9. The Lokmanya Press	... 1,000
10. The Viharee Press	... 500
11. The Calcutta Printing Works	... 500
12. The Jamhoor (newspaper)	... 500
13. The Ananda Bazar Patrika (newspaper)	... 1,000
14. The Ananda Press	... 1,000
15. The Amrita Bazar Patrika (newspaper)	... 3,000
16. The Amrita Bazar Patrika Press, Ltd.	... 3,000
17. The Dainik Basumati (newspaper)	... 500
18. The Basumati Electric Machine Press	... 500
19. The Paradise Press	... 500
20. The Viswamitra (newspaper)	... 1,000
21. The Viswamitra Press	... 1,000
22. The Jayasree (newspaper)	... 300
1933.	
1. The Ananda Bazar Patrika (newspaper)	... 2,000
2. The Ananda Press	... 2,000
3. The Saraswati Press	... 3,000
4. The Harijan (newspaper)	... 500
5. The Kshatriyasansar (newspaper)	... 500
6. The Viswamitra (newspaper)	... 1,500
7. The Viswamitra Press	... 1,500
8. The Commercial India (newspaper)	... 500
9. The Industry Press	... 500

Names of newspapers and printing presses.		Amount deposited. Rs.
10. The Nayak	...	1,000
11. The Pravartak (newspaper)	...	500
12. The Hind-i-Jadid (newspaper)	...	500
13. The Hind Press	...	500
14. The Sreeram Press	...	500
1934.		
1. The Arya Printing Press	...	1,000
2. The Sree Gouranga Press	...	500
3. The Free India (newspaper)	...	500
4. The Classic Press	...	500
5. The Viswamitra (newspaper)	...	1,500
6. The Viswamitra Press	...	1,500
1935.		
1. The Bandemataram (newspaper)	...	500
2. The Santi Press	...	500

(*iii*) The names of papers and the amounts of their security forfeited so far:—

Names of papers.		Amounts forfeited. Rs.
1932.		
1. The Liberty (newspaper)	...	500
2. The Dainik Nayak (newspaper)	...	100
1933.		
1. The Ananda Bazar Patrika (newspaper)	...	500
2. The Viswamitra (newspaper)	...	100
3. The Kshatriyasansar (newspaper)	...	500
1934.		
1. The Viswamitra (newspaper)	...	100

(*iv*) The number of newspapers to whom warnings have been given:—

1932.—57 Newspapers on 134 occasions.

1933.—41 Newspapers on 75 occasions.

1934.—42 Newspapers on 90 occasions.

1935.—23 Newspapers on 42 occasions.

Statement referred to in the reply to clause (c) of starred question No. 90.

(c) (*i*) and (*ii*) The names of papers which have been punished under the ordinary law during the operation of the Indian Press (Emergency Powers) Act, 1931, and the nature of offence and punishment:—

Names of newspapers.	Nature of offence.	Nature of punishment.
1931. (*From 18th October to 31st December.*)		
1. The Editor and the printer and publisher of the "Nayak."	124-A, I. P. C. .	Convicted and sentenced to six months' simple imprisonment.
2. The Editor, printer and publisher of the "Rashtravani."	124-A, I. P. C. ..	Convicted and sentenced to one year's rigorous imprisonment.
3. The Editor, printer and publisher of the "Sarbahara."	124-A, I. P. C. ..	Ditto.
4. The Editor, printer and publisher of the "Bonu."	124-A, I. P. C. ..	Convicted and sentenced to two years' rigorous imprisonment.
5. The Editor, printer and publisher of the "Deshervani."	124-A, I. P. C. ..	Convicted and sentenced to nine months' rigorous imprisonment and a fine of Rs. 250 in default rigorous imprisonment for three months more.
6. The Editor, printer and publisher of the "Sarbahara."	153-A, I. P. C. ..	Convicted and sentenced to six months' rigorous imprisonment. This was to run consecutively with the sentence in the case under section 124-A, I. P. C.
7. The Editor and the printer and publisher of the "Jamhoor."	153-A, I. P. C. ..	Convicted but as the accused expressed regret and gave written undertaking they were dealt with under section 562, Criminal Procedure Code, and were ordered to execute bonds of Rs. 500 each to be of good behaviour for one year.
8. The Editor and publisher of the "Swatantra Bharat."	124-A, I. P. C. ..	Convicted and sentenced to rigorous imprisonment for six months and to pay a fine of Rs. 100 in default to undergo rigorous imprisonment for three months in addition.
1932.		
1. The Editor, printer and publisher of the "Chasi Mazur."	124-A, I. P. C. ..	Convicted and sentenced to rigorous imprisonment for nine months on each of the two counts, the sentences to run concurrently.

	Names of newspapers.	Nature of offence.	Nature of punishment.
2.	The Editor and the printer and publisher of the "Liberty."	124-A, I. P. C. ..	Convicted : the Editor sentenced to nine months' rigorous imprisonment and to pay a fine of Rs. 500 in default three months' rigorous imprisonment ; and the printer and publisher fined Rs. 500 in default to undergo six months' rigorous imprisonment.
3.	The Editor, printer and publisher of the "Vihari."	124-A, I. P. C. ..	Convicted and dealt with under section 562, Criminal Procedure Code, to be of good behaviour for two years for the sum of Rs. 500.
4.	The Editor, printer and publisher of the "Yugasankha."	124-A, I. P. C., and 153-A, I. P. C.	Convicted and sentenced to six months' rigorous imprisonment on each count and sentences to run concurrently.
5.	The Editor, printer and publisher of the "Sarbahara."	124-A, I. P. C., and 153-A, I. P. C.	Convicted and sentenced to one year's rigorous imprisonment under section 124-A, and to six months' rigorous imprisonment under section 153-A, I. P. C., sentences to run concurrently.
6.	The Editor and the printer and publisher of the "Amrita Bazar Patrika."	Contempt of Court Act.	The accused fined Rs. 500 each.
	1933.		
	Nil.		
	1934.		
	Nil.		
	1935.		
1.	The Editor and the printer and publisher of the "Ganashakti."	124-A, I. P. C. ..	Convicted : the Editor sentenced to eighteen months' rigorous imprisonment and the printer and publisher to one year's rigorous imprisonment.
2.	The Editor and the printer and publisher of the "Amrita Bazar Patrika."	Contempt of Court	Sentenced to three months' simple imprisonment by the High Court.
3.	The Editors and the printer and publisher of the "Desh Darpan."	124-A, I. P. C. ..	Not yet known.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state what he means by this list "under the ordinary law during the operation of the Indian Press Emergency Powers Act, 1931"? Does he mean all the laws except the Indian Press Emergency Powers Act, 1931?

The Hon'ble Mr. R. N. REID: By "ordinary law" I meant the Indian Penal Code.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware that conviction of the Editor, Printer and Publisher of the "Amrita Bazar Patrika" for contempt of court was not under the Indian Penal Code?

The Hon'ble Mr. R. N. REID: Yes, that is quite clear from my statement.

Syedpur Mohsin Estate.

*91. **Maulvi MUHAMMAD HOSSAIN:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the Hajee Md. Mohsin trust estate clerks have been deputed to manage the works of the Ward Estate?

(*b*) Is it a fact that a monthly rental of Rs. 15 is taken out of the income of the said estate for holding its office in a small room of the Khulna Collectorate?

(*c*) Is it a fact that a sum of Rs. 5,000 is taken out of the limited income of the said trust estate by the Government for its management?

(*d*) Is it a fact that Government takes one lakh and twenty-three thousand rupees as Government revenue out of an income of 2 lakhs and 30 thousand rupees out of the Syedpur Hajee Md. Mohsin Estate?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) No.

(*b*) No. A rent of Rs. 10 per month is being charged to the estate for occupying a room in the Collectorate and a portion of the Collector's Record-room, as it has not got an office of its own.

(*c*) The general rate for supervision of the estate together with the audit rate vary from year to year and generally amount to not less than Rs. 5,000.

(*d*) Government revenue amounts to Rs. 95,591 on the gross rental of the estate at Rs. 2,36,808.

Proposed stores for cottage industries.

*92. **Rai Bahadur SATYENDRA KUMAR DAS:** Is the Hon'ble Minister in charge of the Agriculture and Industries Department considering the desirability of taking steps—

(*i*) to organise stores for cottage industries on a co-operative basis in all mufassal towns in Bengal;

(*ii*) to link the same with the Bengal Home Industries Association or similar institutions in Calcutta; and

(*iii*) to extend the activities of such stores to London?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*i*) No. Steps are being taken however to improve the working of the existing Co-operative Industrial Unions at Dacca, Chittagong, Bankura, Raipura (Noakhali), Choumohoni (Noakhali), Naogaon (Rajshahi) and Satkania (Chittagong) and the weaving union at Bagerhat (Khulna) and the Yarn Depot at Alamdanga (Nadia) which function as stores for the handloom cottage industry.

(*ii*) Co-operative Industrial Unions are already linked up with the Bengal Co-operative Industrial Society, Limited, at Calcutta. These are autonomous bodies and there is nothing to prevent their taking advantage of the Bengal Home Industries Association or any other selling agency to effect the sale of their products.

(*iii*) The Bengal Home Industries Association has already extended its activities to the London market.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Minister be pleased to state what stands in the way to organize stores for cottage industries on a co-operative basis?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I have already stated that we have already done so.

Tangi-Tangail-Mymensingh Railway project.

*93. **Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Will the Hon'ble Member in charge of Public Works Department be pleased to state—

(*i*) the result of the conference recently held at Dacca in connection with the Tangi-Tangail-Mymensingh or Tangi-Tangail-Singhjani Railway project; and

(*ii*) whether there was any enquiry or measurement made by the railway authority in the last winter season regarding the aforesaid railway line as stated by the Government in reply to starred question No. 12 put by me during the December session of the Council in 1934?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to state what has been the result of the said enquiry or measurement?

(*c*) Will the Hon'ble Member be pleased to state whether any alignment of the said railway has been finally approved by the Government?

(*d*) Will the Hon'ble Member be pleased to state—

(*i*) whether there is any project of the said railway line being extended to Pingna with a view to connecting it with the railway line at Serajganj or rather Mahadebpur on the other side of the Jumna by the opening of a steamer service between Pingna and Mahadebpur; and

(*ii*) whether there is any likelihood of the said railway line being opened in the near future?

(*e*) Is the Hon'ble Member aware—

(*i*) that Tangail, though a subdivision, is far ahead of many districts in Bengal in points of area, population, enlightenment and political importance;

(*ii*) that there is as yet not an inch of railway line opened in this subdivision; and

(*iii*) that the absence of railway line of any kind in this subdivision has been responsible for the miseries of the inhabitants in matter of communication with the rest of the world?

(*f*) Are the Government considering the desirability of extending the railway line to Tangail as early as practicable?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*) The Committee appointed by Government met for the first time on the 18th May, 1935, and appointed a Sub-Committee, which was requested to take observations during the rains and report to the Main Committee what waterways should be provided so that interference with the natural drainage may be avoided. The Report of the Sub-Committee is awaited.

(*ii*) The proposed survey was not carried out last year. It was deferred pending the report of the Committee referred to above who will advise regarding safeguards for public health, agriculture and natural drainage on the proposed route.

(*b*) Does not arise.

(*c*) No.

(*d*) (*i*) At present there is no project for extending the Tangi-Tangail-Mymensingh or Tangi-Tangail-Singhjani Railways to Pingna. There is, however, a proposal for connecting Sarisabari to Pingna by rail with a steamer connection from Pingna to Serajganj.

(*ii*) Nothing can be stated definitely until the report is received from the Committee.

(*e*) (*i*) Government are aware that Tangail is an important sub-division.

(*ii*) Yes.

(*iii*) No. But to afford better communication the improvement of the Tangail-Mymensingh Road has been taken in hand.

(*f*) Pending the receipt of the Committee's report Government are not in a position to come to any conclusion on the question whether the construction of the proposed railway will be free from objection from the point of view of public health and agriculture.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Member be pleased to state when the reports of the committee as well as the sub-committee referred to in answer (*a*) (*I*) are expected to be out?

The Hon'ble Sir JOHN WOODHEAD: As soon as they finish their work.

Government Silk Weaving and Dyeing Institute, Berhampore.

***94. Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing—

(*i*) the total number of students who respectively passed the final examinations in both the Diploma and Artisan courses from the Government Silk Weaving and Dyeing Institute, Berhampore, since its establishment; and

(*ii*) the number of such passed out students who are earning their livelihood by means of their expert knowledge acquired in the Institute?

(*b*) Is it a fact that the form of the Diploma awarded to the passed out students of this Institute does not purport to confer any title upon the holder of the same, and as such they are considered as unfit for service or employment by the owners of textile mills in India?

(*c*) Does the Hon'ble Minister realise that the form of the Diploma and the name of the Institute create an impression in the minds of the mill-owners that a low standard of training and that only in silk weaving and dyeing is imparted at this Institute?

(*d*) Is the Hon'ble Minister aware that as a matter of fact the students here receive a good training in the manufacture of cotton and other fabrics?

(*e*) Is it a fact that the cases of the passed out students of this Institute are, as a rule, overlooked at the time of filling up vacancies and that as a matter of fact no student of the said Institute has yet been favoured with any suitable post under Government.

(*f*) If the answers to (*a*) to (*e*) are in the affirmative, what steps do the Government intend taking to improve the status and future prospects of the students of this Institute?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*) (*i*) and (*ii*) A statement furnishing the information is laid on the table.

(*b*) The reply to the first part of the question is in the affirmative and to the second part in the negative.

(*c*) No. The Institute was established to impart training mainly in silk weaving and dyeing in order to improve the technique of the local silk cottage industry. It was not established for the purpose of training employees for the owners of textile mills.

(*d*) The students are trained in the processes of weaving in the preliminary stages using cotton yarn which is cheaper than silk yarn, much yarn being spoilt in the process of learning.

(*e*) No.

(*f*) The question does not arise; but in order to increase the usefulness of the Institute, Government are expanding its scope and equipment as funds permit.

Statement referred to in reply to part (a) (i) and (ii) of the starred question No. 94.

(*i*) Total number of students who passed the final examinations in—

Diploma course—49.

Artisan course—122.

(*ii*) Number* of students who are earning their livelihood by means of their expert knowledge acquired in the Institute after passing the examinations in—

Diploma course—26.

Artisan course—39.

*(These figures include only those actually known to be so earning their living. Others may be doing so with whom the department is not in touch.)

Hand-made paper industry.

*95. **Mr. ANANDA MOHAN PODDAR:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that a large number of people are engaged in different districts of Bengal in the manufacture of hand-made paper?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government of Bengal, Industries Department, have ever ascertained the exact nature and the total output of this industry?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the number of people at present engaged in such manufacture;

(*ii*) the total quantity of paper thus manufactured;

(*iii*) the commercial value of this industry;

(*iv*) the steps the Government are taking for the development of this industry; and

(*v*) the quantity, if any, of this hand-made paper consumed by the Government of Bengal?

(*d*) Do the Government intend taking up an investigation into the position of this industry?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*), (*b*) and (*c*) The member is referred to the information given in pages 28, 71, 104 and 135 of the Survey of Cottage Industries Report, 2nd Edition, a copy of which is placed on the Library table.

(*d*) There is no intention at present to embark on any further investigation into the position of this industry.

Electoral rolls for Bengal Legislative Assembly.

*96. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Appointment (Reforms) Department be pleased to state—

(*i*) whether the election for the Legislative Council, Bengal, to be called Legislative Assembly in the reformed constitution, will be on the basis of the electoral roll which is now being prepared; and

(*ii*) when is the next election expected to be held?

(*b*) Have the Government taken into consideration that if the election is not likely to be held within a year, the electoral roll now prepared will have to be changed in consequence of new voters who will be qualified later on and enlisted voters dying in the course of a year?

(*c*) Are the Government considering the desirability of postponing printing of electoral roll now to avoid unnecessary printing charges?

(*d*) What remuneration or cost do the Government propose paying to the municipalities and union boards in Bengal for the preparation of the said electoral roll?

(*e*) If no remuneration or cost is to be paid to the union boards in Bengal for the said work, what are the reasons?

(*f*) What provision is made for due compliance by the union boards in the matter of the preparation of such electoral rolls?

MEMBER in charge of APPOINTMENT (REFORMS) DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*i*) and (*b*) The electoral rolls under preparation now are provisional only. The position is fully explained in the communiqué issued by Government on the 6th July, 1935, a copy of which is laid on the Library table.

(*a*) (*ii*) It is not yet known when the next elections will be held.

(*c*) The matter is under consideration.

(*d*), (*e*) and (*f*) In many cases no material addition to the expenditure of municipalities and union boards should be involved and Government feel that these bodies can be relied upon to give full co-operation in this matter and will be content to leave the question of expense, where such is unavoidably incurred, to be dealt with after the event.

Dr. AMULYA RATAN GHOSE: Will the Hon'ble Member be pleased to state, with regard to answer (*c*), whether the matter will be considered before the printing of the electoral roll is all finished?

The Hon'ble Mr. R. N. REID: I have stated in my answer that the matter is under consideration. I think that covers the whole thing.

Dr. AMULYA RATAN GHOSE: Will the Hon'ble Member be pleased to state whether that consideration will be made before the printing matter is all completed?

The Hon'ble Mr. R. N. REID: I am unable to answer the question.

Baitchari Junior Madrassah.

*97. **Maulvi SYED OSMAN HAIDER CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the last two years for the Chittagong district—

(*i*) the number of *tols* and madrassahs;

(*ii*) the amount granted to each of them;

(*iii*) the number and the percentage of the successful candidates from the junior madrassahs; and

(*iv*) the amount of Government grant to each one of them?

(*b*) Is there any provision for increasing or decreasing the aids to the madrassahs in proportion to the successes in examination?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state why the Bailchari Junior Madrassah which takes the highest place in the district in order of merit in respect of good result receives the lowest aid in whole of the district?

(*d*) Are the Government considering the desirability of distributing aid in future in consideration of the result made by the junior madrassahs?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) A statement is placed on the Library table.

(*b*) No, but as a condition of a grant an aided madrassah is required to pass at least 33 per cent. of the total number of candidates sent up during the previous three years and the grant is liable to reduction or withdrawal if this condition is not satisfied.

(*c*) Does not arise.

(*d*) No, examination results are only one factor.

Maulvi SYED MAJID BAKSH: Has any instruction been issued to the Librarian to show us the copies which are "placed on the library table"? Otherwise, how are we to get the copies which are said to be placed on the library table?

Mr. PRESIDENT: Has not the attention of the Librarian been drawn to this and has he not been supplied with copies?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Yes, Sir, copies were duly supplied in time to the library.

Mr. PRESIDENT: When did you get the question papers, Maulvi Sahib? Were they not handed over to you half an hour before the Council met? You get full half-hour to go through them as a matter of course. The rules provide that.

(No reply from Maulvi Syed Majid Baksh was given.)

Proposal for system of honorary physicians and surgeons for Khulna.

*88. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that with the introduction of the X'Ray Department and Maternity Department at Khulna, the present staff has been found to be inadequate to cater for the public needs?

(*b*) Is the Hon'ble Minister contemplating the introduction of the system of honorary physicians and surgeons in the hospitals in Khulna like that in Calcutta?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No such complaint has reached Government. The Khulna hospital is a class III-A hospital under the management of the local municipality.

(*b*) No.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to make enquiries into the matter as to question (*a*) regarding the Khulna Hospital?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. P. BANERJI: As to question (*b*), will the Hon'ble Member be pleased to let us know what objection there can be introducing a system of honorary physicians and surgeons in the hospital at Khulna?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: These appointments are made on the recommendations of the local bodies and unless there is any recommendation to this effect Government cannot take any action.

Local Boards.

*90. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government have finished their deliberations over the question of the abolition of "Local Boards"?

(*b*) If the answer to (*a*) is in the negative, when do the Government expect to come to a decision?

(*c*) If it has been decided to abolish the local boards, when do the Government intend to introduce legislation to give effect to the decision?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) The member is referred to the reply given to clause (*c*) of unstarred question No. 8 put by Maulvi Syed Nausher Ali on the 6th instant.

(*c*) Does not arise.

Proposal to pay premium of life assurance of employees of local bodies out of their provident fund.

***100. Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government are considering the desirability of allowing employees of the institutions under the Local Self-Government Act to pay their premiums for their life assurance out of their Provident Fund?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason for the same?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) The insertion of such a provision in the rules would add considerably to administrative complications.

Union boards.

***101. Maulvi SYED NAUSHER ALI:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the names of the districts where the last general election of union boards had been held before the Village Self-Government (Amendment) Act, 1935, came into force, but the first meeting of the newly elected and appointed members whereof had not been held before the said Act came into force;

(*ii*) the first and last dates of such election in each such district;

(*iii*) the total number of such union boards in each such district;

(*iv*) the total number of union boards in each such district of which the names of the elected and appointed members have been published in the *Calcutta Gazette;*

(*v*) the names of the month or months with the year in which such union boards in each such district had been last constituted or reconstituted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*i*) A statement is laid on the table.

(*ii*) to (*v*) The information cannot be obtained unless special enquiries are made from District Officers involving in the opinion of Government a disproportionate expenditure of time and energy for which they are not prepared to ask.

Statement referred to in the reply to clause (i) of starred question No. 101.

1. Mymensingh.
2. Dinajpur.
3. Noakhali.
4. Dacca.
5. Murshidabad.
6. Chittagong.
7. Nadia.
8. Rajshahi.
9. Jessore.
10. Bankura.
11. Pabna.
12. Bogra.
13. Khulna.
14. Faridpur.
15. Bakarganj.

Chandana river.

*102. **Rai Bahadur AKSHOY KUMAR SEN:** Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what steps, if any, have been taken by the Government for dredging the Chandana river within the district of Faridpur?

The Hon'ble Khwaja Sir NAZIMUDDIN: The improvement of the Chandana river has engaged the attention of Government for some time past but financial stringency has prevented the execution of any scheme.

Rai Sahib AKSHOY KUMAR SEN: Will the Hon'ble Member be pleased to state whether Government propose to take any action under the provisions of the Bengal Development Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is yet too early to say, Sir.

Rai Sahib AKSHOY KUMAR SEN: Will the Hon'ble Member be pleased to state whether such a proposal was made in the pamphlets published by the Government in support of the Bengal Development Bill?

The Hon'ble Khwaja Sir NAZIMUDDIN: We referred to it as a possibility.

Old Brahmaputra river.

*163. **Maulvi ABDUL HAKIM:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that the old Brahmaputra river has been dying out since about a century ago;

(*ii*) that the rate of its silting up has been more rapid during recent years;

(*iii*) that the trade and agriculture of Mymensingh through which the river passes are being highly impaired;

(*iv*) that the paddy fields of the riparian lands (*char* lands) on both sides of this river are abnormally inundated every year during recent years; and

(*v*) that the paddy crop (both *aus* and *amon*) in these *char* lands are destroyed every year?

(*b*) If the answer to (*a*) is in the affirmative, has the Hon'ble Member taken any steps against the rapid silting up of this important river in Bengal?

(*c*) If such steps have been taken, how far have these remedial steps proceeded?

(*d*) Have the Government ascertained through their experts that the dying out of this river is due to the accumulation of enormous silt or sand at its junction with the new Brahmaputra (Jamuna) up the Bahadurabad railway station?

(*e*) If the answer to (*d*) is in the affirmative, does the Hon'ble Member contemplate dredging this junction?

(*f*) Has it been ascertained through Government experts that the removal of this silt or sand from this junction would keep the river alive, and make its bed deeper day by day and the abnormal inundation of the *char* lands would cease in future?

(*g*) If the answer to (*f*) is in the negative, will the Hon'ble Member be pleased to state whether there is any alternative for keeping this river in a live condition?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) Yes.

(*iii*), (*iv*) and (*v*) Government are aware that the silting up of the old rivers has led to a deterioration of the surrounding lands.

(*b*) Extensive enquiries have been made. Government are advised by their experts that the desertion by the river of its old bed must be accepted as a natural development. It is very doubtful if any

measures taken to divert water from the new Brahmaputra (Jamuna) river into the old river would be successful and such measures would necessarily be very costly.

(c) Does not arise.

(d) The principal cause of the death of the old river is the desertion by the main river of its old course. Accumulation of silt is only a consequence of that event.

(e) No. Dredging would not be successful.

(f) This has not been enquired into, as the cost would be prohibitive.

(g) No practicable scheme at a reasonable cost has so far been devised.

Maulvi ABDUL HAKIM: With reference to answer (e), will the Hon'ble Member be pleased to inform us if any measures have been taken to divert the water from the Brahmaputra into the old river? And, may I know what roughly would be the probable expenditure?

Mr. PRESIDENT: That question is impossible.

Maulvi ABDUL HAKIM: With reference to the answer to question (e), Sir, the Hon'ble Member in charge has stated that dredging would not be successful. May I know the reason why?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, because silt will be replaced by silt very soon again.

Maulvi ABDUL HAKIM: Was any experiment ever made either on this river or on any other river of a similar nature by the dredger?

The Hon'ble Khwaja Sir NAZIMUDDIN: You can come to a conclusion on the result of past experiments.

Jail accommodation.

*104. **Maulvi ABDUS SAMAD:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(i) the total average numbers of all classes of prisoners, excepting female and civil prisoners, locked up in each central jail, district jail and sub-jail during the years 1933, 1934 and 1935 up to the end of July, 1935; and

(ii) the total capacity of population of these jails in Bengal, excepting female and civil wards?

(*b*) Is it a fact that almost all the jails in Bengal are overcrowded?

(*c*) If the answer to (*b*) is in the affirmative, what steps, if any, do the Government intend taking to relieve the overcrowding of the jails?

The Hon'ble Mr. R. N. REID: (*a*) (*i*) and (*ii*) A statement is laid on the table showing the average population in central jails, district jails, special jails and sub-jails for the periods mentioned, and the registered accommodation in them in 1934.

(*b*) Yes.

(*c*) Government have under consideration the construction of another central jail.

Statement referred to in the answer to starred question No. 104(a)(i) and (ii).

(*i*)

	1933.	1934.	1935 (up to June).
Central jails	8,535·95	9,013·00	9,022·81
District jails	7,678·68	7,969·76	7,909·55
Special jails	2,336·41	1,818·00	2,275·55
Sub-jails	2,380·32	2,556·01	2,419·93
	20,931·36	21,356·77	21,627·84

(*ii*) 19,418 including accommodation in hospitals and observation cells.

Teaching staff of Berhampore Silk Weaving Institute.

***105. Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing for the present—

(*i*) the number of teachers employed in the Government Silk Weaving Institute, Berhampore, Bengal, and their respective general and technical knowledge in the subjects they teach;

(*ii*) the names of the Technical Institutes in which they acquired their knowledge in silk technology; and

(*iii*) their mill experience, if any?

(*b*) Is it a fact that the Dyeing Master and the Printer who are matriculates respectively teach physics and both inorganic and organic chemistry?

(*c*) If the answer to (*b*) is in the affirmative, where did they learn the science of physics and higher chemistry both applied and theoretical which are required for teaching dyeing and printing?

(*d*) Is it a fact that there is a period in the class routine for teaching drawing to the students but no class is taken?

(*e*) If the answer to (*d*) is in the affirmative, how are percentages in the subject counted and how are the students taught the subject?

(*f*) Is it a fact that the majority of the teaching staff are cotton experts and do not know anything of silk technology?

(*g*) Is the Hon'ble Minister considering the desirability of inquiring into the matter?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*) (*i*), (*ii*) and (*iii*) A statement is laid on the table.

(*b*) No.

(*c*) Does not arise.

(*d*) No.

(*e*) Does not arise.

(*f*) and (*g*) No.

Statement referred to in the reply to clause (a) of starred question No. 105.

(*a*) (*i*) Seven. It is not feasible to give a complete statement of their knoweldge. It is adequate for the duties they are called on to perform.

(*ii*) None had training in any Silk Technological Institute. Government are not aware that there is any other institute in India giving instruction in silk technology.

(*iii*) *Head Master*—Has been in charge of the Salvation Army Silk Weaving and Reeling Factories in the Punjab and Bombay.

Assistant Master—Has been Assistant to Weaving Master in the Currimbhoy Ebrahim Mills, Bombay.

Dyeing Teacher—Has been dyeing expert in the Cooverjee Weaving Mills, Tollygunge, Calcutta.

Printer, Warper, Assistant Warper and Cocoon Reeling Teacher—No mill experience.

Maulvi ABDUS SAMAD: Regarding the answer to question (*c*), may I ask the Hon'ble Minister whether the Dyeing Master and the Printer referred to are matriculates or not?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: Yes, they are matriculates.

(A VOICE: But the answer as printed is "no.")

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: They are matriculates, but they do not teach Physics or Organic Chemistry as suggested.

Maulvi ABDUS SAMAD: Then, which of the teachers teach these subjects, and what are their qualifications?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I must ask for notice, Sir, before replying to this question.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Bridges for exit by road from Calcutta to the north.

48. Mr. W. H. THOMPSON: (*a*) Is the Hon'ble Minister in charge of the Public Works Department aware—

(*i*) that the Improvement Trust has constructed the Chitpore and Beliaghatta bridges over the Circular canal and that the bridge on the Barrackpore Road will shortly be constructed; but

(*ii*) the exits by road from Calcutta to the north are still constructed by inadequate bridges over the Eastern Bengal Railway?

(*b*) When was Lock Gate Road closed?

(*c*) Was it closed for the advantage of the Railway authorities or at their request?

(*d*) At the time when it was closed were any conditions laid down as to the rights or the liabilities of the Railway and other authorities in the contingency which would arise if it appeared expedient at any time to reopen the road?

(*e*) Did the Barrackpore Road at Talla and the Jessore Road at Beliaghatta exist before the railway which passes under the bridges at these points?

(*f*) Have the Local Government pointed out to the Railway authorities the inadequacy of the bridges provided to carry these roads across their lines, or discussed with them the advisability of widening these bridges?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*) (*i*) Yes.

(*ii*) Proposals for improving the road exits by connecting the new Chitpore bridge to the Barrackpore Trunk Road *via* Lock Gate Road are under consideration.

(*b*) In 1901.

(*c*) The road was closed by the Eastern Bengal Railway authorities with the approval of Government and on condition that the Railway authorities provided certain temporary road diversions and a permanent road diversion between the Barrackpore and Lock Gate Roads.

(*d*) No.

(*e*) Yes.

(*f*) The advisability of improving the Belgachia bridge to relieve traffic congestion was discussed with the Railway authorities, who pointed out that they would not be liable for any part of the cost of such improvement.

The question of improving the Talla bridge has long been under consideration of Government. The Railway authorities are not liable for any part of the cost.

No progress has been found possible with these schemes on account of financial stringency.

Old Benares Road.

49. MUNINDRA DEB RAI MAHASAI: (*a*) Has the attention of the Hon'ble Minister in charge of the Public Works Department been drawn to the representation of the Howrah-Sheakhala Light Railway Passengers' Association for the improvement of the old Benares Road and making it possible for buses to ply on it?

(*b*) If the answer to (*a*) is in the affirmative, will he be pleased to state what action he proposes to take in the matter?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*) Yes.

(*b*) The road referred to is not maintained by this department.

Dr. AMULYA RATAN GHOSE: Will the Hon'ble Minister be pleased to state whether the road named "Old Benares Road" is not a provincial road and is not maintained by the Government?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: No, Sir.

MUNINDRA DEB RAI MAHASAI: With reference to the answer to question (*b*), will the Hon'ble Minister be pleased to name the department of the Government which is responsible for its maintenance?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: As far as I know it is a district board road.

Dr. AMULYA RATAN GHOSE: Will the Hon'ble Minister be pleased to state which district board or which municipality is responsible for the maintenance of this "Old Benares Road"?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: It concerns the municipalities or the district boards as the case may be through which the road passes. It is difficult for me to name them.

Representation of Muhammadan community in Bengal Judicial Service.

50. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether there is any fixed policy or proportion in making appointments in the Bengal Judicial Service (Munsifs) from the Hindu and Muhammadan candidates?

(*b*) If the answer to (*a*) is in the affirmative, what is that policy or proportion?

(*c*) If there is no fixed policy or proportion, are the Government considering the desirability of having a fixed principle for making appointments in this service?

(*d*) How many Hindus and Muslims were appointed during the last five years in this service?

(*e*) Do the Government contemplate making any appointments in this branch of public service this year or next year?

(*f*) If the answer to (*e*) is in the affirmative, in what proportion do they propose to give appointments to the Hindus and the Muslims?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*), (*b*) and (*c*) Under the rules recently published the desirability of providing adequate representation of the Muhammadan community will be taken into consideration in the selection of candidates for nomination. Under the new Government of India Act there is provision for regulations to be made in regard to this matter by the Governor. In the past five years a proportion of one-fourth of the persons appointed were Muhammadans.

(*d*) Forty-two Hindus and 14 Muslims.

(*e*) Twenty-nine appointments have already been made during this year and four more are under consideration. Some appointments are also likely to be made next year.

(*f*) Of the appointments already made this year, 21 are Hindus and 8 Muslims. It is not possible to make any statement for next year.

Secretariat Co-operative Death Benefit Society.

51. Maulvi MUHAMMAD FAZLULLAH: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that there is a society called the "Bengal Secretariat Co-operative Death Benefit Society, Limited";

(*ii*) that its present scheme has been condemned as financially unsound by such Actuaries as Messrs. Humphrey, Shaw and Mukherjee, the Actuaries to the Government of India; and

(*iii*) that they advised that the scheme being unworkable should be registered as an insurance scheme?

(*b*) If the answer to (*a*) is in the affirmative, what action, if any, do the Government propose taking to give effect to the recommendations of the Actuaries?

(*c*) Is it a fact—

(*i*) that the Co-operative Department have worked out a scheme for this Society;

(*ii*) that the same has been condemned by Actuary Mr. Humphrey;

(*iii*) that the Deputy Registrar has asked the Society to consider the advisability to adopt his scheme; and

(*iv*) that his scheme has been adopted by the Society at its last Annual General Meeting?

(*d*) Will the Hon'ble Minister be pleased to state whether the Government propose sanctioning the adoption of the scheme drawn up by Deputy Registrar and approved by the Society at its last General Meeting?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*) (*i*), (*ii*) and (*iii*) Yes.

(*b*) The Society is unwilling to change its co-operative character and has since evolved a revised scheme which has been approved by all sections of its members. The Society has suggested necessary amendments of the bye-laws to give effect to the scheme. It is proposed to [illegible] the Society to work the revised scheme.

(*c*) (*i*) No.

(*ii*), (*iii*) and (*iv*) Do not arise.

(*d*) The member is referred to the reply to part (*b*) of the question.

52. Maulvi NURAL ABSAR CHOUDHURY: (*a*) With reference to the reply given on the 7th September, 1933, to my unstarred question No. 71, will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what action has been taken by Government to remove the defects in the constitution of the Bengal Secretariat Co-operative Death Benefit Society referred to therein?

(*b*) Is it a fact that every time a revised scheme prepared by an Actuary on a scientific basis is brought forward, it is turned down by a majority of the members in the General Meeting?

(*c*) Is it a fact that the Co-operative Department of Government have prepared a scheme of their own for the remodelling of this Society and issued directions for its adoption?

(*d*) Is it a fact that in the Co-operative Department's scheme the scientific principles and calculations adopted in the schemes framed by the Actuaries, Messrs. Humphrey and Shaw, have not been followed?

(*e*) Has the Co-operative Department's scheme been tested by an Actuary before ordering its adoption?

(*f*) If the reply to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state whether there is any guarantee that the Government scheme will prove financially sound?

(*g*) Do the Government propose to have the scheme prepared by their Co-operative Department tested by an Actuary before ordering its adoption by the Society in the interest of safety?

(*h*) Is the Hon'ble Minister aware that the Bengal Secretariat Co-operative Death Benefit Society has been declared by the Government of India Actuary to be a dividing insurance business and that the policy-holders or members are charged for equal benefit, the same rate of premium or subscription irrespective of their age on admission?

(*i*) Are the Government aware that the scheme now prepared by the Co-operative Department for the acceptance of the Bengal Secretariat Co-operative Death Benefit Society still retain the characteristic of dividing insurance business referred to above?

(*j*) Are the Government aware of the defects of the dividing insurance business as mentioned in paragraph 5 of the Government of India Actuary's report contained on page 2 of the Indian Insurance Year Book, 1933?

(*k*) If the answer to (*j*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is the decision of the Government that the scheme now drawn up by the Co-operative Department for the acceptance of the Bengal Secretariat Death Benefit Society is sound?

(*l*) Is it a fact that the Actuary to the Government of India recommended that a revised scheme prepared by Actuary Mr. H. L. Humphrey should be adopted by the Society?

(*m*) If the reply to (*l*) is in the affirmative, will the Hon'ble Minister be pleased to state why the Society was not asked to accept that scheme?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*) and (*b*) A meeting of the different groups of members holding diverse views on the working of the Society was held at the instance of the Inspector of Co-operative Societies, Calcutta. This meeting prepared a scheme which has been ultimately accepted by the general body of members. It is proposed to allow the Society to work the scheme. The Society was unwilling to accept any insurance scheme as proposed by the Actuaries which would involve a change in the co-operative character of the institution.

(*c*) No. The member is referred to reply to part (*a*) of the question.

(*d*), (*e*), (*f*) and (*g*) Do not arise.

(*h*) Yes.

(*i*) There is no such scheme.

(*j*) Yes.

(*k*) The member is referred to reply to part (*i*) of the question.

(*l*) Yes.

(*m*) The scheme was before the members at the meeting referred to in the reply to part (*a*) of the question.

Working in schools and colleges.

53. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Is the Hon'ble Minister in charge of the Education Department considering the desirability of examining the number of holidays now given in schools and colleges and also the hours of working in schools and colleges?

(*b*) Is the Hon'ble Minister aware of the fact that as a result of numerous holidays and imperfect working the books and courses prescribed by the University and the teachers in colleges and schools are not finished?

(*c*) Will the Hon'ble Minister be pleased to state whether the fact referred to in (*b*) is not bringing into discredit education in the country?

(*d*) Is it not a fact that parents are paying more in fees nowadays than they were required to do formerly?

(*e*) Is it not also a fact that professors and teachers are now being paid at a rate higher than that used to be paid before?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) No. The matter has been examined recently.

(*b*) No.

(*c*) Does not arise.

(*d*) Yes.

(*e*) Yes, as compared with 15 years ago, but the rates have been reduced again for future incumbents.

Communication of grant-in-aid orders to schools in Chittagong Division.

54. Mr. MUKUNDA BEHARY MULLICK: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state when was the sanction of education grants for aided Middle English and High English schools communicated to the Inspector of Schools, Chittagong Division, by the Director of Public Instruction this year?

(*b*) Is it a fact that up to the 10th July, 1935, no communication about recurring grants-in-aid has been made by the Inspector of Schools, Chittagong Division, to any of the schools?

(*c*) Is it a fact that in the Presidency Division, the schools were informed of their sanctioned grants-in-aid on the reopening of the schools after the last summer vacation?

(*d*) If the answers to (*a*), (*b*) and (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons for this delay in communicating grant-in-aid orders to schools in the Chittagong Division?

(*e*) Is the Hon'ble Minister aware that a similar delay occurred in the last two years also in the Chittagong Division during the incumbency of the present Inspector of Schools of the Division?

(*f*) Will the Hon'ble Minister be pleased to state why the grants to defunct circle schools are not released earlier?

(*g*) Is it not a fact that the grants to the said circle schools are not subject to annual renewal on account of the letter of the Director of Public Instruction, No. 2817P., dated the 14th August, 1925?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) June 20th.

(*b*) Yes. The grants were sanctioned on July 12th and subsequent dates.

(*c*) Most of the schools were informed by the end of June.

(*d*) There was very little delay in the Inspector's office between the receipt of orders as to the amount allotted to his Division and the communication of sanction to the individual schools.

(*e*) Yes, subject to the remarks in (*d*).

(*f*) Presumably because the school authorities do not submit their bills earlier.

(*g*) Yes.

Muslims in Medical Service.

55. Maulvi TAMIZUDDIN KHAN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the present number and percentage of Assistant Surgeons employed under the Government of Bengal belonging to—

(*A*) the Muslim,

(*B*) the Hindu, and

(*C*) other communities;

(*ii*) the present number and percentage of Sub-Assistant Surgeons employed under the Government of Bengal belonging to—

(*A*) the Muslim,

(*B*) the Hindu, and

(*C*) other communities; and

(*iii*) the present number and percentage of employees in the teaching staff of the Medical Department, particularly in the Dacca Medical School belonging to the—

(*A*) Muslim, and

(*B*) other communities?

(*b*) Will the Hon'ble Minister be pleased to state whether in making recruitment for the Medical Service any percentage of appointments is reserved for qualified Muslim candidates?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what is that percentage?

(*d*) If there is no such reservation what are the reasons?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The information is given below:—

		Number.	Percentage.
(*i*) (*A*) Muslim	...	26	15·3
(*B*) Hindu	...	141	83
(*C*) Other communities	...	3	1·7
(*ii*) (*A*) Muslim	...	33	11
(*B*) Hindu	...	259	86
(*C*) Other communities	...	9	3
(*iii*) Employees in the teaching staff of the Medical Department—			
(*A*) Muslim	...	13	12
(*B*) Other communities	...	93	88
Employees in the teaching staff in the Dacca Medical School—			
(*A*) Muslim	...	3	17
(*B*) Other communities	...	15	83

(*b*), (*c*) and (*d*) 33⅓ per cent. of the vacancies in the medical services filled by direct recruitment are reserved for Muhammadan candidates.

Mymensingh Land Mortgage Bank.

56. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing up to the 30th June last—

(*i*) the number of petitions received by the Mymensingh Land Mortgage Bank praying for loan;

(*ii*) the amount realised as petition-fee;

(*iii*) the number of petitions in which the prayers have been granted; and

(*iv*) the total amount of the loans sanctioned?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: A statement is laid on the table.

Statement referred to in reply to unstarred question No. 56.

Number of petitions received by the Mymensingh Land Mortgage Bank praying for loan up to 30th June, 1935.	Amount realised as petition-fee.	Number of petitions in which the prayers have been granted.	Total amount of the loans sanctioned.
(i)	(ii)	(iii)	(iv)
984	No petition-fee is realised but Rs. 997-4 has been realised as enquiry cost.	142	Rs. 69,700

Bengal for Bengalis.

57. Mr. S. M. BOSE: Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) what are the rules prevalent in the Provinces of Bihar and Orissa, Madras and the United Provinces providing for appointment by the Local Governments in those Provinces, of persons who are natives of, or domiciled in, those Provinces;

(*ii*) whether there are rules in force in Bengal giving preference in employments under the Local Government to persons who are natives of, or domiciled in, Bengal;

(*iii*) what are the rules for domicile for appointments recognised by the Government of Bengal; and

(*iv*) what are the rules regarding domicile for purposes of appointments enforced by the Government of Bihar and Orissa?

The Hon'ble Mr. R. N. REID: (*i*) The Local Government have no information on the subject.

(*ii*) Yes.

(*iii*) A statement containing the rules on the subject so far as recruitment to the Provincial Services and special posts in Bengal is concerned, is laid on the table.

(*iv*) The Local Government have no information on the subject.

Statement referred to in the reply to clause (iii) of unstarred question No. 57.

EXTRACT FROM THE RECRUITMENT RULES FOR PROVINCIAL SERVICES IN BENGAL.

* * * * * *

II. (5) "Native of Bengal" means a person domiciled in Bengal and born of parents habitually resident in Bengal and not established there for temporary purposes only.

VII. (2) Save in the case of such services as are shown or hereafter by notification in the *Calcutta Gazette* shall be included in column 1 and to the extent shown or by notification in the *Calcutta Gazette* hereafter to be included in column 2 of Schedule V, no person shall be eligible for appointment to a Provincial Service who is not either a native of Bengal or permanently domiciled in Bengal. Evidence as regards domicile shall be carefully scrutinised.

In the case of candidates who are the sons of employees in the Central Services or Railways it shall be open to the Local Government to dispense with the condition that they shall be natives of Bengal or permanently domiciled in Bengal.

SCHEDULE I.

List of Provincial Services [referred to in rule VII (2)].

1. Bengal Civil Service (Executive).
2. Bengal Junior Civil Service.
3. Bengal Excise Service.
4. Bengal Junior Excise Service.
5. Bengal Higher Veterinary Service.
6. Bengal Higher Agricultural Service.
7. Bengal Lower Veterinary Service.
8. Bengal Lower Agricultural Service.
9. Bengal Senior Service of Engineers (Roads and Buildings).
10. Bengal Engineering Service (Roads and Buildings).
11. Bengal Engineering Service (Irrigation).
12. Bengal Factories Service.
13. Bengal Boilers Service.
14. Bengal Smoke Nuisances Service.
15. Bengal Medical Service (Upper).
16. Bengal Educational Service.
17. Bengal Gardeners' Service.
18. Bengal Forest Service.
19. Bengal Police Service.
20. Assistant Commissioners of Police, Calcutta.
21. Bengal Public Health Service.

EXTRACTS FROM THE DRAFT RULES FOR RECRUITMENT TO SPECIAL POSTS.

* * * * * *

VII. No candidate shall be recruited by direct appointment to any special post shown in column 1 of Schedule V except in conformity with the conditions regarding domicile laid down in column 2 of that schedule. Evidence regarding domicile shall be carefully scrutinised.

SCHEDULE V.

(See Rule VII.)

Provision regarding domicile.

Name of post.	Conditions of eligibility.
Political Department	
23 Bengali Translator to Government	Candidates must be domiciled in British India and born of parents habitually resident in India and not established there for temporary purposes only and must be natives of, or permanently settled in, Bengal.
Local Self-Government (Public Health) Department	
52. Publicity Officer, Public Health Department 53. Medical Inspector of Schools, Public Health Department.	The candidate must be domiciled in British India and born of parents habitually resident in India and not established there for temporary purposes only. Preference will be given to candidates who are natives of, or permanently domiciled in, Bengal.
54. Personal Assistant to the Director of Public Health, Bengal.	Candidates must be born of parents habitually resident in India and not established there for temporary purposes only and must be natives of, or permanently domiciled in, Bengal.
Agriculture and Industries Department -	
56. Curator of the Herbarium, Royal Botanic Garden, Calcutta 57. Director of Industries, Bengal. 58. Deputy Director of Industries, Bengal. 59. Industrial Chemist. 60. Industrial Engineer. 61. Inspector of Technical and Industrial Institutions, Bengal. 62. Principal, Government Weaving Institute, Serampore. 63. Superintendent, Zoological Gardens, Calcutta. 64. First Assistant Superintendent, Zoological Gardens, Calcutta. 65. Personal Assistant to the Director of Agriculture, Bengal.	Preference will be given to candidates who are natives of, or permanently domiciled in, Bengal.

Name of post.	Conditions of eligibility.
Education Department—	
97. Personal Assistant to the Director of Public Instruction, Bengal.	Preference shall be given to candidates who are natives of, or permanently domiciled in, Bengal.
98. Assistant Principal, Ahsanulla School of Engineering, Dacca.	
99. Vice-Principal, Government School of Art, Calcutta.	
100. Principal, Government Commercial Institute, Calcutta.	
105. Principal, Eden High School for Girls, Dacca.	Preference shall be given to candidates who are natives of, or permanently domiciled in, British India.

EXTRACT FROM POLICE REGULATIONS, BENGAL, 1927.

CHAPTER XXI.

Appointments and Enrolments.

Constables.

833 (*a*).

* * * * * *

"Bengalis should be enlisted whenever possible provided they possess the necessary physical and other qualifications."

Selection of books for schools.

58. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that there is a feeling of dissatisfaction amongst the public and guardians of students on account of the fact that even small boys in schools are required to read a large number of books in subjects far in advance of their age and capacity?

(*b*) Are the Government considering the desirability of examining the question of selection of books made every year for each class in high schools after the termination of annual examinations?

(*c*) Does the Hon'ble Minister realise that this system of change of every book in every subject in each year is not calculated to increase the efficiency of teaching in those subjects by the teachers; but has the effect of making education very costly to the poor parents of the province?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) and (*b*) No.

(*c*) Government are not aware that any such system exists.

Appointments in the 24-Parganas district offices.

59. Khan Bahadur A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing for the last five years the number of Hindu and Muhammadan clerks appointed both in the collectorate and the District Judge's court in the 24-Parganas district with their names, educational qualifications and places of residence?

(*b*) Will the Hon'ble Member be pleased to state whether it is the policy of the Government to give preference for such appointments to the candidates who are *bona fide* residents of the district and possess the minimum qualification over the candidates who are not such residents?

The Hon'ble Mr. R. N. REID: (*a*) Two statements are laid on the table.

(*b*) No such instructions have been issued.

Rule 53 (*ii*) of the Board's Miscellaneous Rules states that the Collector's choice is not limited to his own district. In practice some preference is naturally given to qualified candidates who are *bona fide* residents of the district.

Statement No. I referred to in the reply to clause (a) of unstarred question No. 59.

LIST OF HINDU AND MUHAMMADAN CLERKS APPOINTED IN THE COLLECTORATE, 24-PARGANAS, DURING THE LAST FIVE YEARS (1930 TO 1934).

Serial No.	Name.	Educational qualification.	Place of residence.
(1)	(2)	(3)	(4)
1	Budhudeb Banerji ..	Matriculate ..	Kalighat, Calcutta.
2	Abul Hossain Md. Ehia ..	Do. ..	24-Parganas.
3	Debendra Kr. Mukherjee ..	Do. ..	Barisal.
4	Kazi Golam Sarwar ..	Do. ..	Khulna.
5	Jotindra Mohan Thakurta ..	Do. ..	Faridpur.
6	Hem Ch. Banerji ..	Do. ..	Jessore.
7	Abdul Amin	Do. ..	Khulna.
8	Kalipada Roy	Do. ..	Jessore.
9	Kazi Abdul Quddus ..	Do. ..	Faridpur.

Serial No.	Name.	Educational qualification.	Place of residence.
(1)	(2)	(3)	(4)
10	Abdul Wahed	I.A. ..	Jessore.
11	Tara Bijoy Choudhury ..	Matriculate ..	Nadia.
12	Sailendra Ch. Ukil ..	Do. ..	Dacca.
13	Fazlul Haque	Do. ..	Birbhum.
14	Mir Fazle Rob	Do. ..	Dacca.
15	Indu Bhusan Banerji ..	Do. ..	Khulna.
16	Shamsur Rahaman ..	Do. ..	24-Parganas.
17	Shisir Kr. Sen Gupta ..	Do. ..	Comilla.
18	Abul Hossain	Do. ..	Khulna.
19	Kiran Kumar Dutta ..	Do. ..	Bhowanipore, Calcutta.
20	Golam Muhammed ..	Do. ..	24-Parganas.
21	Ramendra Nath Dutta ..	Do. ..	Do.
22	Shahidar Rahaman ..	Do. .	Jessore.
23	Prafulla Kr. Roy Choudhury ..	Do. .	24-Parganas.
24	Abu Hossain	Do. .	Do.
25	Satyendra Kr. Mukherji ..	Do. ..	Jessore.
26	Abdul Latif	Do. ..	Do.
27	Md. Jasimuddin	Do. ..	Murshidabad.
28	Kali Kr. Biswas	B.Sc. ..	Chetla, Alipore.
29	Ayenali Molla	Matriculate ..	24-Parganas.
30	Birendra Nath Bose ..	Do. ..	Chetla, Alipore.
31	A. B. M. Mustafizar Rahaman	Do. ..	24-Parganas.
32	Amal Kr. Bose	Do. ..	Jessore.
33	Raisul Huda	Do. ..	24-Parganas.
34	Suresh Chandra Chakraborty ..	Do. ..	Faridpur.
35	Aditya Charan Giri ..	Do. ..	Midnapore.
36	Abdul Gafur	Do. .	Murshidabad.
37	Kumud Ranjan Koyal ..	Do. ..	24-Parganas.
38	Md. Sajedar Rahman ..	Do. ..	Do.
39	Lakhindra Kr. Datta ..	Do. ..	Do.

Serial No.	Name.	Educational qualification.	Place of residence.
(1)	(2)	(3)	(4)
40	Saiyed Abu Sattar ..	Matriculate ..	24-Parganas.
41	Tarak Nath Chatterji ..	Do. ..	Barisal.
42	Golam Panjatan ..	Do. ..	Burdwan.
43	Krishna Mohan Tapasi .	Do ..	24-Parganas.
44	Nityananda Paul	B.A. ..	Murshidabad.
45	Kazi Akramal Huq ..	I.A. ..	24-Parganas.

Statement No. II referred to in the reply to clause (a) of unstarred question No. 58.

LIST OF HINDU AND MUHAMMADAN CLERKS APPOINTED IN THE DISTRICT JUDGE'S COURT, 24-PARGANAS, DURING THE LAST FIVE YEARS (1930 TO 1934).

No.	Name.	Educational qualifications.	Place of residence.	Remarks.
(1)	(2)	(3)	(4)	(5)
1	Bijoy Kumar Chatterjee ..	B.A. ..	7, Chetlahat Road, Alipore.	
2	Subodh Chandra Ghosh ..	I.A. ..	Basirhat, 24-Parganas ..	Dismissed.
3	Satyendra Nath Chakravatty ..	Matric .	Rajrajogini, Dacca	
4	Bangendu Bhusan Ghose ..	Matric. ..	Dhulsura, Dacca.	
5	Ranendra Krishna Banerjee ..	I.A. ..	23, Mohini Mohan Road, Bhowanipur.	
6	Sushil Kumar De ..	Matric. ..	Ujanchar, Tippera.	
7	Ramendra Nath Mookherjee ..	B.A. ..	Navadwip, Nadia.	
8	Lokendra Kanta Pyne ..	I.A. ..	Lakshmi Bardi, Dacca.	
9	Bimal Chandra Choudhury ..	I.Sc. ..	Barasat, 24-Parganas.	
10	Ajit Kumar Mondal ..	Matric ..	99, Tollygunge Road, 24-Parganas.	
11	Prafulla Kumar Das ..	Matric. ..	Diamond Harbour, 24-Parganas.	
12	Jyotish Chandra Das Sarma ..	Matric. ..	Kalia, Jessore.	
13	Kali Kumar Bhadra ..	B.A. ..	Kachubaria, Jessore.	
14	Dharma Das Majumdar ..	I.Sc., and knows Shorthand.	13, Wellington Street, Calcutta.	
15	Abani Mohan Chowdhury ..	Matric. ..	Burdwan.	
16	Prasanta Kumar Mondal ..	Matric., and knows Type-writing.	Diamond Harbour, 24-Parganas.	

No.	Name.	Educational qualifications.	Place of residence.	Remarks.
(1)	(2)	(3)	(4)	(5)
17	Kamal Chandra Sinha ..	Matric. ..	106, Upper Circular Road, Calcutta.	
18	Anil Kumar Bose ..	Matric. ..	48-1, Suburban School Road, Bhowanipur.	
19	Sailendra Nath Ganguly ..	Matric. ..	Shanmandi, Faridpur.	
20	Md. Rustamali ..	B.A. ..	73, Baitakkhana Road, Calcutta.	Resigned.
21	Maulvi Zahurul Huq ..	Matric. ..	Sankarupur, Birbhum	
22	Abu Syed Md. Abdul Mayed ..	Matric. ..	Saipala, Basirhat.	
23	Md. Lal Mia ..	Matric. ..	Baliakandi, Faridpur.	
24	Md. Maqbul Ali ..	Matric. ..	Netra, 24-Parganas.	
25	Nur Md. Fakir ..	Matric. ..	Chachaldhamir, Jessore.	
26	Abu Taher Md. Eshaque ..	B.A. ..	Kamchorkol, Jessore ..	Resigned.
27	M. Anwar-uz-zaman ..	B.A. ..	Hetamtoli, Jessore ..	Do.
28	M. Khondkar Masudar Rahaman	Matric. ..	Murshidabad.	
29	M. Md. Siadat Hossain ..	Matric. ..	Ditto.	
30	M. Nasir Ali Sikdar ..	B. Com. ..	15, Collin Street, Calcutta	Resigned.
31	M. Mobinuddin Ahmed ..	I.A. ..	Dacca.	
32	M. Md. Abdul Bari ..	Matric. ..	Bhatpara, Jessore.	
33	M. Nasir Ahmed ..	Matric. ..	190, Harish Mukherjee Road, Bhowanipur.	
34	M. Md. Ibrahim ..	B.A. ..	Goalundo Bazar, Faridpur.	
35	M. Md. Nurul Basar ..	B.Sc. ..	Chittagong.	
36	M. Md. Abdul Hashan Khan ..	B.A. ..	Ramnagar, Dacca ..	Resigned.
37	M. Sekendar Khan ..	B.A. ..	Kumardugi, Tippera.	
38	M. Md. Abdul Awal ..	B.A. ..	Bagerhat, Khulna.	
39	Syed Mansur Ahmed ..	Matric. ..	27, Marsden Street, Calcutta.	Resigned.
40	M. Abdul Wadud Khan ..	Matric. ..	Noakhali.	
41	Syed Qualser Ali ..	Matric. ..	Saipala, Basirhat, 24-Parganas.	

GOVERNMENT BUSINESS.

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Public Security (Extending) Bill, 1935.

[The discussion of the Bengal Public Security (Extending) Bill, 1935, was resumed.]

Mr. SYAMAPROSAD MOOKERJEE: I do not think there would be many in this House or outside it who would feel inclined to congratulate Government on its decision to introduce legislation for the

purpose of extending the life of the Bengal Public Security Act. Indeed, Sir, there are sufficient materials before us which would justify our characterising this particular measure and the decision of Government to introduce it at this time as unwise, unfair and unjust. I do not think there is anyone in this House who will deny that this is an extraordinary measure, as there are many other extraordinary measures which have been placed on the statute book. I do not think, Sir, there can be any difference of opinion on that. It is a measure which is calculated to encroach upon the rights and liberties of the subjects in certain fundamental respects, which can be justified by Government only in a state of emergency. It is necessary for us to recall at this stage the circumstances under which this Bill was introduced in 1932, to briefly summarise the history of this legislation and to enquire what the present situation is.

Sir, members will recall that during the period when the civil disobedience movement reached its maximum height, the Governor General passed several ordinances, some of which related to the civil disobedience movement. In 1932, one of such ordinances lapsed and under the provisions of the law it was not open for the Governor General or any other authority to extend the life of the ordinance. For this reason in 1932 the late Sir William Prentice came before this House with a view to introducing the Public Security Bill which embodied several of the provisions of the ordinance which was about to lapse. There are certain matters in this connection which must be kept before us while we are discussing the motion before the House. In the first place it was made clear by the then Hon'ble Member in the Statement of Objects and Reasons issued in 1932 that these special powers which were demanded for three years more were necessary because there was a possibility that activities in furtherance of the movement known as the civil disobedience movement would continue and that other such subversive movements might in the future arise. This point was made clearer still when the late Sir William Prentice introduced this Bill in November, 1932. There was one striking passage in his speech—indeed there were several—to which I shall allude just now and which must be kept in view by the members of the House. Sir William Prentice said: "This Bill does not and is not intended to deal with terrorism. The type of the movement with which it is intended to deal is the civil disobedience movement." When I say this I would ask the members of this House immediately to disabuse their minds of one idea, viz., we are not considering a measure which Government is introducing for combating terrorism. We can, therefore, keep aside terrorism for the time being. The object was to fight the Indian National Congress and the civil disobedience movement principally. The point was made clearer still as the Hon'ble Member proceeded to develop his arguments. Sir William Prentice said: "The Congress issued its challenge to Government by calling on the

civil disobedience movement and up to the present that is still the declared policy of the Congress; the position has been forced upon us, continued the Hon'ble Member, "by the conduct of the Congress, and there is no sign at present of the Congress calling off the civil disobedience movement. So long as the Congress chooses to defy orders of Government, so long we must be in possession of the special powers. We have only accepted the challenge. If the Congress"—I would ask the House to mark these words—"if the Congress withdraws the civil disobedience movement, then this Government will reconsider its position. So long as the Congress does not do so, Government cannot consider the adoption of any other policy. The first step towards conciliation must come from the Congress which must withdraw the civil disobedience movement." Several members of this House on this side requested Government to take up a conciliatory policy.

Mr. Reid, the then Chief Secretary, and now the Home Member, who has the honour and privilege of introducing the present measure, said: "I do not think it can be fairly said that from the other side (*i.e.*, the Congress) there has been any great gesture indicating that the Congress is prepared to come and shake hands with us. Mr. Gandhi, as far as I know, has not openly declared that he is in favour of giving up his creed of civil disobedience nor has he privately indicated that he has given it up." Then, Sir, Mr. Reid concluded with these striking words: "I need hardly say that if there be the slightest indication, the slightest gesture, of their giving it up, then Government will not be slow to come forward and accept it." These were the circumstances under which this Bill came to be introduced in this House in 1932. I do not forget, Sir, that the Hon'ble Member then in charge of the Bill also indicated in one of his speeches that the object of the Bill was not only to fight the civil disobedience movement but other subversive movements as well. As an illustration of that he could not get anything more than a leaflet of a revolutionary character which he said was distributed at a public meeting at Albert Hall a few days before the Council met to consider his Bill. Three years have elapsed and up till now we have heard nothing of the growth of that subversive movement which was said to have been foreshadowed in the circulation of that leaflet. Until we have further materials before us, we cannot proceed on the opinion then expressed by the Home Member. We can reasonably start with the proposition that unless Government can show that there exists to-day some movement like the civil disobedience movement, or there is a reasonable probability of its recurrence, there can be no justification for the introduction of this Bill. Where is the civil disobedience movement to-day? The Hon'ble Mr. Reid said in 1932 that if there was "the slightest gesture" or even if Mr. Gandhi had given his private opinion that the civil disobedience movement was going to be called off, he would certainly reconsider the situation. Things have gone more rapidly than any

mere private declaration on the part of any individual member of the Congress. The declared policy of the Congress to-day is that civil disobedience has failed. What is the practical demonstration of this that we are witnessing to-day? Where are the protagonists of the civil disobedience movement to-day? They occupy the Opposition Benches in the Indian Legislative Assembly; they are the leaders of the constitutional opposition. Barring the solitary fact that they regard the members of Government as socially untouchable—a defect which even the Public Security Act cannot remedy—I do not think there is anything in their action which could be described as unconstitutional. Therefore, Sir, I am constrained to say that any attempt to introduce a Bill of this description at this stage is nothing but a breach of faith. Sir, the spirit of the undertaking given by Government was that if the civil disobedience movement was withdrawn, Government would reconsider the position and therefore the House has a right to know from the Hon'ble Member how Government has fulfilled that undertaking.

There are two other points to which I would like to refer. I find that the Hon'ble Member in moving the adoption of the Bill two days ago referred to two special reasons. In the first place he said that Government was not going to apply this Act unless it was satisfied that there were circumstances which made it incumbent upon them to apply the provisions of the Act. This, it is urged, is stated in the body of the Act itself. The Hon'ble Member proceeds to say that, as a proof of the *bona fides* of Government, in only three districts at present is the Act in operation, namely, the districts of Hooghly, Calcutta and Midnapore. I think, Sir, that this by itself is the strongest argument against the Bill.

If Government is satisfied that the present political situation in Bengal is such as to make it unnecessary to apply the drastic provisions of an Act of this character to not more than three districts, then why pursue this Bill at all? Then, again, I am not satisfied, nor do I think any responsible member of this House will be satisfied by the mere assertion of the Hon'ble Member that Government found it necessary to apply the drastic provisions of this Act even to three districts. Sir, if there is an emergency—and you must not forget that it is only the existence of an emergency that justifies Government in giving effect to the provisions of this law—then the Legislature is bound to know what is the nature of that emergency. What is the nature of the emergency, Sir, to-day in Calcutta, in Hooghly and Midnapore, that this Act must needs be made applicable to these three particular districts? We have no detailed information before us at all, except the bare statement of the Hon'ble Member that Government has no intention to apply the provisions of this Act to other areas. We demand detailed information so as to test the principles on which Government acts.

Lastly, the Hon'ble Mr. Reid quoted a sentence from one of the speeches of the late Sir William Prentice regarding the handing over of the present administration to the future Government. I believe the Hon'ble Member said that Government was anxious to hand over to the coming Government the machinery in a smooth working order. I do not think there is any responsible member here who will quarrel with this statement. Hand over the administration in as smooth a working order as you possibly can, but is this the sort of working order that you would like to associate with the coming Government? As it is, Sir, we do not know what is in store for us in future; we shudder to think that when the Reforms are actually brought into operation the new Government will begin its work under the auspices of legislative enactments such as this. The future Government will know its own business and can legislate on its own responsibility. I do not think that you are being fair to the coming Government. Will the Bengal Legislative Assembly under the new Constitution be unable to impose and uphold law and order in the country? What about the special powers of the Governor? Under the new Constitution he will no longer have to go to the Viceroy for the passing of an ordinance if an emergency arises? Why do you think that the Governor will be unable to rise equal to the occasion and introduce and give effect to such legislation as may be found necessary? A future Home Member in charge of Law and Order will be quite able to ask the House to pass legislation on drastic lines. If this Bill is now withdrawn, he will then be in a stronger position and say to the Council: "In the past Government had introduced legislation of this character. In 1935 when it found that the civil disobedience movement had been withdrawn, Government was true to its word and did not press its proposed legislation to continue the Act. But now a situation has arisen which requires this drastic measure to be placed on the statute book and, therefore, I have come before you again." A responsible Minister who asks for sanction on such lines is almost sure to get it: besides, will that not be very much better, more straightforward and much more desirable in the interest of Government as well as in the interest of the people themselves?

What evidence has Government placed before the House to-day to justify our giving our votes in favour of the Bill? Take the Statement of Objects and Reasons. The Hon'ble Member could not think of anything else but this: The Act was passed to confer special powers on the Local Government to enable it in case of emergency to combat activities subversive of law and order or prejudicial to the public security. Admittedly so. But what about the present situation? The answer is: "That such activities may recur is by no means impossible."

I would ask Government and I would also ask every responsible member of this House if that is the way in which Government will

treat the Legislature? What is the reason that Government now puts forward for the continuance of the Bill. It is this, that it may not be impossible that in future there may be a recurrence of a subversive movement.

Sir, this House has been very kind, has been very generous to the executive of the land; this House has never failed to do what Government has considered to be its duty. It has always stood by the side of Government and armed it with special powers whenever Government has asked for them. I ask the members of this House and I ask Government also, if there is no limit on the patience even of the present Bengal Legislative Council.

I would end with one appeal to the Hon'ble Member. We are all anxious that we should forget the past, that we should all bury the dead past. So much remains to be done for the reconstruction of this unfortunate province in every sphere of activity that we cannot afford to wrangle any longer. Is it at all impossible for Government to rise equal to the occasion and make a gesture—a gesture of which Mr. Reid spoke in 1932—and tell the Legislative Council and through them the public of Bengal, that although it felt it to be its duty to introduce measures which it did not itself like, yet it has not been slow in recognising that at present there is no case for any such measure and therefore it has been the first to withdraw it from the statute book?

(At this stage the member having reached the time-limit had to resume his seat.)

Babu KISHORI MOHAN CHAUDHURI: I also beg to oppose this measure, and I fully agree with the previous speakers that it is not the time to introduce this piece of legislation. The whole country is now expecting that on the inauguration of the new scheme of Government all repressive measures will be withdrawn, but instead of that you now come before this Council and introduce a measure for which no details are given showing the necessity for this Bill. Therefore, Sir, I think it should not be supported by this House. When this measure was introduced in 1932 there was some apprehension about the civil disobedience movement, but now that state of things does not exist and rather it can safely be said that civil disobedience has altogether disappeared from Bengal. If that is so, Sir, why should you enact this piece of legislation again? As has been remarked by previous speakers it is only in three districts that this measure was introduced and no necessity was felt for introducing this law in any other district of Bengal. This fact is the strongest support for the view that we hold, viz., that the measure is not necessary and it would be quite unjust on the part of Government to press for a legislation of this sort. I know, Sir, many people believe that many of the persons detained under the

provisions of this Act are not the persons who ought to be detained without any trial. If there are any guilty persons amongst the detenus, let them be punished by all means, but no such thing ought to be done on mere suspicion. It is also undesirable that a large amount of money, nearly lakhs and lakhs, should be spent for meeting the expenditure for detaining so many persons in the detention camps or jails. It is time to consider, on the other hand, what conciliatory action should be taken by Government. It has been amply proved, and this is the view of several Judges also who have tried such cases, that the root cause of these persons taking to this course lies in unemployment rather than in any other. So there is no necessity for further repressive measures and we think that Government should not even think of such a thing. Accordingly, I appeal to the Government to think about the other pressing question, namely, the question of unemployment. That is the question which should be taken up by Government and Government should not incur large expenditure for the maintenance of persons for what offence nobody knows. Again and again, Sir, have we expressed our view that if there are really any guilty persons among these men against whom real evidence exists by all means take lawful measures and by all means put them in jail. Sir, we are not supporters of the terrorist movement. We are as much interested as the Government are in supressing the terrorist movement. But we think and believe and it is the view of many that the persons now detained in jails are not all guilty; rather they have been detained on suspicion. By this act of yours misery has been caused in many houses, and this is, I believe, well known to Government, because these matters have been again and again placed before Government for consideration; rather than expending heavy amounts for the maintenance of these persons detained under this Act, you should do well in devising means for combating the evil of unemployment, and we hope that His Excellency Sir John Anderson, the sympathetic ruler as he is, will seriously consider the situation and not press for this legislation which is based on no other sound grounds than the reports of police officers. Why do that and why not rather try to drive out discontent from the mind of the people? I, therefore, believe that this is not the time when this measure should be introduced, but rather it should be withdrawn. If there be any desire to elicit public opinion on the point we may circulate the Bill. But I think there is no hurry for it. With these observations I support the motion for circulation.

Maulvi ABUL KASEM: Sir, we have heard a very remarkable speech by Mr. Syamaprosad Mookerjee on the question of the Public Security Act who represents the intelligence and culture of Bengal in this House. That speech was to my mind not only argumentative and logical but very convincing, not to speak of his rhetoric, and worthy of the Vice-Chancellor of the Calcutta University. Unfortunately, Sir,

according to the rules of this House, which are like the laws of the Medes and Persians of ancient history, absolutely unchangeable, we were deprived of the pleasure of hearing him to the end. But, Sir, my experience in the Legislature at Delhi and Simla has been that speakers are allowed time to finish their speeches on subjets like this, but here it is done mechanically and Mr. Mookerjee was not allowed to finish his speech. He has proved positively that the extension of this measure or rather the introduction of this measure was absolutely uncalled for and there was neither justification nor necessity for it on the part of Government. Mr. Mookerjee, with all his ability, has not however taken note of one important fact and that is that power once exercised is very difficult to part with. The Treasury Bench having such an easy means of suppressing opposition—I will not say terrorism—has found it rather unpalatable to deprive itself of this power and with a full knowledge that in the present Council with all its followers round about the Treasury Bench will carry this measure through and for the matter of that any measure which the Hon'ble Member may like to bring forward. If genuine opinions were expressed by members of this House, this Bill would never be passed. There is another matter which I make bold to say is that if Government officials were not tied down but given a free choice of voting as they liked according to their personal opinion, then this Bill would die still-born. We may say that we are absolutely convinced that the Bill is not only unnecessary but it is uncalled for.

Sir, there is one word more to which reference has been made by Mr. Syamaprosad Mookerjee and that is that the present Treasury Bench wants to leave to its successors this Act. I think, however, that by the will of the majority the first business of the next Government will be to repeal this Act; and if they do not, then they will not be true to their salt.

The Hon'ble Mr. R. N. REID: Sir, I think the last sentence of the last speaker's speech gives a most excellent answer to all the criticisms which have been made on this Bill. If the first act of the first Government that comes into office under the new Constitution is to repeal this horrible Act, well there is no earthly harm in passing it to-day. I think it is a great pity that we did not have the benefit of Mr. Syamaprosad Mookerjee's lucid exposition of the purposes of this Bill last Friday, because, if we had, we should have been saved a great deal of the irrelevant discourse on the subject of terrorism and the evils of anti-terrorist measures. As he very clearly explained, this Bill has nothing whatever to do with terrorism and we can leave that aside.

Sir, as regards the motion for circulation which I oppose, I gave my reasons on the previous occasion for thinking that a motion for

circulation was neither necessary nor would be fruitful, and we had a very interesting commentary on that point of view last Friday when Dr. Naresh Chandra Sen Gupta told us that the public generally were very much muddled about all these different Acts which we have passed on various occasions for taking special powers to meet special conditions and they could not distinguish one Act from another. If that is the fact, it seems to me that we shall not get any very valuable or informative opinions if this Bill were circulated for public opinion and, secondly, we had a concrete proof within the walls of this House when the mover of the motion for circulation, oblivious of the fact that the Public Security Bill had nothing to do with terrorism, moved his motion in terms of terrorism and was surprised to find that the Public Security Act had never been applied to his own district. Under these circumstances, I venture to think that we shall not, on that ground alone, gain very much advantage from circulation of this Bill.

Sir, as regards the Bill itself and its merits or demerits, in spite of Mr. Syamaprosad Mookerjee's eloquence, I stick to the few humble words of the Statement of Objects and Reasons. This measure was, as the late Sir William Prentice explained in 1932, an extraordinary measure to deal with an extraordinary situation, not only a situation which had arisen in the past or a situation which existed in 1932, but a situation which might possibly arise in the future, and that is the point. It was believed then, and it is believed now, that, as the Statement of Objects and Reasons says, it is not impossible that such a subversive movement can arise in future; and in common prudence we are asking this House to pass a measure to prolong the life of the existing Bill so that for a few years the Government of the day may be in possession of powers which are suitable to meet an extraordinary situation which might possibly arise. If it does not arise, it will not be used. Mr. Mookerjee would wait until the situation arose before he took powers to meet that. That, I submit, is not an act of common prudence. A prudent man takes steps in advance to meet a situation which he thinks may arise. The fact that year after year one may send in a "no claim" return on an insurance policy is no reason for failing to continue to insure one's property and this Bill, put in the shortest way, is a form of insurance.

Sir, another fallacy which I think I should refer to in Mr. Mookerjee's speech is this: He asks us to get rid of all the special legislations and to start with a clean slate, and we would be perfectly all right. If a serious situation does arise, we can always fall back upon the Governor. That is, however, quite a wrong way of looking at it. The future Government will be a democratic Government, and you will have no right under such a constitution to rely as a last resort on the executive powers of the Governor; that is the whole point of your democratic constitution. When the real trouble arises, you will have

to ask the Governor to give you this special power. On the other hand, if the existing Government leaves an Act such as this on the statute book and if a difficult or serious situation does arise, the Government of the day will have this power and it can use it without waiting for the situation to develop into a dangerous one. I do not think, Sir, I need detain the House any longer. I oppose the motion for eliciting opinion and the other motions before the House.

The amendment of Kazi Emdadul Hoque was then put and lost.

The question that the Bengal Public Security (Extending) Bill, 1935, be circulated for the purpose of eliciting opinion thereon by the 31st October, 1935, being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Choudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Rural Absar.
Ghose, Dr. Amulya Ratan.
Hoque, Kazi Emdadul.
Kasem, Maulvi Abul.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Rai Mahasai, Manindra Deb.
Rout, Babu Hosani.
Samad, Maulvi Abdus.
Magh, Srijut Taj Bahadur.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Bai, Babu Lalit Kumar.
Bai, Rai Bahadur Sarat Chandra.
Barma, Babu Premhari.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Basu, Mr. S.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Das, Babu Suraprasad.
Rusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., of Ratanpur
Fawcus, Mr. R. L.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Haldar, Mr. S. K.
Hoque, the Hon'ble Khan Bahadur M. Azizul.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Lockhart, Mr. A. R. E.
Maguire, Mr. L. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mittra, Babu Sarat Chandra.
Mamin, Khan Bahadur Muhammad Abdul.
Nag, Revd. B. A.
Randy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray, Babu Amulyadhan.
Ray Chowdhury, Mr. K. S.
Reid, the Hon'ble Mr. R. R.
Rasburgh, Mr. T. J. Y.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Rai Bahadur Satya Kinkar.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Solaiman, Maulvi Muhammad.
Stevens, Mr. H. S. E.
Thompson, Mr. W. M.
Townsend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Wrodhead, the Hon'ble Sir John.

The Ayes being 17 and the Noes 58, the motion was lost.

The question that the Bengal Public Security (Extending) Bill, 1935, be circulated for the purpose of eliciting poinion thereon by the 30th September, 1935, was then put and lost.

The question that the Bengal Public Security (Extending) Bill, 1935, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was put and agreed to.

Kazi EMDADUL HOQUE: I beg to move that in clause 2, line 3, for the figures "1940" the figures "1936" be substituted.

Sir, in moving this amendment I want to say what my view is regarding this Bill. I have already said that the subversive movement is not due to any political agitation, but it is due to the most acute unemployment problem prevailing in this country. As the House did not accept my previous amendment for circulation, I move this amendment with the self-same view that if the Government want to keep this Act alive let it be kept alive for one year. Government have already said that they have been able to suppress the terroristic movement to an appreciable extent; if that is so, it may be that in the course of one year there would be no necessity for such a measure, and I think that the activities of the Government in the direction of the solution of unemployment question, if properly grasped and given effect to, will in itself be a ground for eradicating this evil from this country. If the problem of unemployment is solved in the course of one year with the help of non-official people here and outside, then of course it can be expected that there will be no necessity for prolonging the life of this Act beyond the period of 1936, for if Government and the people combine together, there is good hope that they will be able to solve this unemployment question and thereby put down the terroristic activities. Government should take the non-officials into their confidence——

Mr. PRESIDENT: That you have already said.

Kazi EMDADUL HOQUE: My point is that if the Government do not alienate the feelings of the non-official members of this House and if they want co-operation, they must behave themselves in a way in which co-operation becomes possible——

Mr. PRESIDENT: But why do you press for "1936"? What is at the back of your mind when you say that? That is what we want to know.

Kazi EMDADUL HOQUE: My idea is that if during the year of extension of this Act both officials and non-officials try to solve the unemployment question, there would be no necessity for the application of this Act after a year. But I say that Government should take the help of non-officials to effectively work out this scheme.

Mr. PRESIDENT: That you have already said: Are you able to advance any other argument in favour of that particular year?

Kazi EMDADUL HOQUE: In 1936 the new Constitution will come into force, so if there be any necessity the new Constitution will take its own steps. In the meantime Government could co-operate with the non-officials in order to strike at the root of this problem. The non-officials are ready to help Government, and it is only for them to avail of it. But if they estrange the feelings of the non-officials by giving answers to questions put by the members of this House in a most indifferent way, it shows that they do not want co-operation.

Mr. PRESIDENT: Order, order. What makes you say so, Kazi Sahib?

Kazi EMDADUL HOQUE: With these words I commend my motion to the acceptance of the House.

Mr. P. BANERJI: I beg to move that in clause 2, in line 3, for the figures "1940," the figures "1937" be substituted.

Mr. PRESIDENT: Mr. Banerji, you have moved your amendment, but you may make your speech after the adjournment.

(The Council was adjourned at this stage for 15 minutes.)

(After Adjournment.)

Mr. P. BANERJI: In moving my motion I wish only to put it to the Hon'ble Member what reasonable objection Government may have if they accept my motion. The reason of the Government is that sufficient time should be given to the men that will come next to work

the new Constitution and according to the Hon'ble Member the new Constitution will come into operation early in 1937: it may be from January, 1937, or April, 1937. Sir, even if it comes so late as April, 1937, then there will be at least nine months' time for the new members to be able to judge the situation of the country. It has been suggested by the Hon'ble Member that the apparatus, I mean the machinery, must be left in proper working order and it will be up to those members who have to run the new Constitution to come and see whether it will be up to them to do away with the machinery or to retain it. The Hon'ble Member further said that sufficient time should be given to those members. He maintained that Mr. N. K. Basu's suggestion for six months' time was not enough. If six months' time is not enough or reasonable, Sir, then nine months' time is quite sufficient for those members to come to a decision. Now, Sir, for myself I consider that even so much time is not necessary as it has been established beyond doubt by the arguments from the opposition; also in view of the facts placed before the House by the Hon'ble Member we consider that this Act was unnecessary. The working of the Act for three years has shown beyond doubt that its further continuance also is unnecessary. This Act came into operation for the first time at a time when the civil disobedience movement was at its height and even then its life was fixed for three years. At that time the Hon'ble Member fixed this period on account of the impending Constitutional Reforms, but, Sir, the Reforms were delayed. Now that there is certainty of its coming into operation in April, 1937, what reasonable objection the Government can have in accepting my reasonable proposal unless Government think otherwise? It has been suggested by the Kazi Sahib in an earlier part of the debate that Government's policy is a conservative policy, viz., to stick to their guns always. It was done for three years and for what earthly reason they want to extend it I fail to understand. The Hon'ble Member now comes forward for extending the Bill not for three years but for five years. Don't you think, Sir, that it is absolutely unnecessary? Following the argument of the Hon'ble Member I think Government should be content to extend the Bill only up to 1937. This is quite reasonable and I hope Government will accept it.

Maulvi ABDUS SAMAD: Sir, I beg to move that in clause 2, in line 3, for the figures "1940" the figures "1938" be substituted.

I think, Sir, that the amendment of Mr. P. Banerji from the public point of view——

The Hon'ble Mr. R. N. REID: Perhaps it would save the time of the House if I said at this stage that I am prepared to accept this amendment substituting the figures "1938" for "1940."

Mr. PRESIDENT: In view of the acceptance of this amendment by the Hon'ble Member perhaps Kazi Sahib will not insist upon his motion being put.

The amendments of Kazi Emdadul Hoque and Mr. P. Banerji were withdrawn by leave of the Council.

The amendment of Maulvi Abdus Samad that in clause 2, in line 3, for the figures "1940" the figures "1938" be substituted was put and agreed to.

Clause 2.

The question that clause 2, as amended in the Council, stand part of the Bill was put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Mr. R. N. REID: I beg to move that the Bengal Public Security (Extending) Bill, 1935, as settled in Council, be passed.

Dr. NARESH CHANDRA SEN GUPTA: I oppose this motion. I have made it clear in one of my previous speeches that I am opposed to the whole Bill. I have not taken any interest in the motions for reducing the time-limit because all these are absolutely futile and useless. I contend most strongly that the Government has made out no case whatever for the continuance of the Act. Government started with the proposition that there were only three districts in which the Act was found necessary, but although the Act was applied to three districts, yet in point of fact it has been in operation mainly in Midnapore. Government has not placed before the House any facts to indicate that there is any further necessity for the continuance of this Act even in Midnapore. In these circumstances the only course open to us is to oppose the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: I would like to inform the House that His Excellency the Governor would be pleased to address the House at the

end of this Session. I am making this announcement to-day, so that members may not leave Calcutta before that, if possible. Definite date and time will be given to members later on. We have no other business to transact to-day and I, therefore, adjourn the Council until 3 p.m. to-morrow.

Adjournment.

The Council was adjourned till 3 p.m. on Tuesday, the 27th August, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 27th August, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 98 nominated and elected members.

Oath or affirmation.

The following member made an oath or affirmation of his allegiance to the Crown:—

Mr. F. A. Sachse, C.S.I. (?), C.I.E., I.C.S.

STARRED QUESTIONS

(to which oral answers were given)

Anti-malaria Society at Bhogdanga (Kurigram).

*106. **Kazi EMDADUL HOQUE:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that there is a registered anti-malaria society at Bhogdanga in police-station Kurigram, Rangpur?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when was it established; and

(*ii*) how many Government officers from Divisional Commissioners downwards have visited it since then?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, what is their report about the working of the said society?

(*d*) Is the society regularly audited and kept under inspection?

(*e*) Is there a homœopathic dispensary attached to it?

(*f*) If so, how long has it been in existence?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) (*i*) The society was registered on 20th January, 1927.

(*ii*) The society was inspected once by the Divisional Commissioner, once by the District Magistrate, and once by the Subdivisional Officer.

(*c*) The work of the society is reported to be satisfactory.

(*d*) and (*e*) Yes.

(*f*) Government have no information.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Minister be pleased to state the date of the last visit?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Minister be pleased to state whether there is any rule about the time-limit within which a visit should be made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir; there is none.

Maulvi SYED MAJID BAKSH: Did not the District Magistrate or the Divisional Commissioner enquire as to the time when it came into existence during their inspection?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

School of Tropical Medicine.

***107. Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing separately—

(*i*) the present number of—

(A) Assistant Professors, and

(B) Assistant Research Scholars in each department in the Calcutta School of Tropical Medicine and Carmichael Hospital for Tropical diseases;

(*ii*) what are their qualifications; and

(*iii*) how many of them are—

(*1*) Hindus, and

(*2*) Muslims?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*i*) and (*ii*) The information is given in the statement which is laid on the table.

(*iii*) (*1*) Hindus—28 and (*2*) Muslims—Nil.

Statement referred to in the reply to clauses (i) and (ii) of starred question No. 107.

Designation.	Qualification.
Department of Tropical Medicine—	
Assistant Professor of Tropical Medicine ..	M.B. (Cal.).
Department of Pathology and Bacteriology—	
Assistant Professor of Bacteriology ..	M.B. (Cal.), D.B. (Lond.), Pass-certificate holder of the London School of Dermatology.
Assistant Professor of Pathology ..	M.B. (Cal.), D.T.M. (Bengal).
Department of Protozoology—	
Assistant Professor of Protozoology ..	L.M.P. (Dacca).
Assistant Research Worker ..	M.B. (Cal.), D.T.M. (Bengal).
Department of Entomology—	
Assistant Professor of Entomology ..	M.B. (Cal.), D.P.H. (Lond.), D.T.M. & H. (Lond.), F.R.S.S. (Lond.), D.O.M.S. (Lond.).
Department of Pharmacology—	
Assistant Professor of Pharmacology ..	M.B. (Cal.).
Assistant Research Worker, Indigenous Enquiry .	M.B., B.S.
Assistant Research Worker, Indigenous Enquiry ..	M.B. (Cal.).
Assistant Research Worker, Drugs Addiction Enquiry	M.B., B.S. (Punb.).
Assistant Research Worker, Drugs Addiction Enquiry	M.B. (Cal.).
Assistant Research Worker, Synthetic Drug Investigation.	B.Sc., M.B.
Department of Chemistry—	
Assistant Professor of Chemistry ..	M.Sc. (Cal.).
Department of Public Health Laboratory Practice—	
Assistant Professor of Public Health Laboratory Practice in Bacteriology.	M.B. (Cal.), D.P.H. (Cal.), D.B. (Lond.).
Assistant Professor of Public Health Laboratory Practice in Chemistry.	M.Sc. (Cal.), A.I.C.

Designation.	Qualification.
Hookworm Research Department—	
Assistant Research Worker	.. M.B.
Ditto	.. M.Sc., M.B.
Ditto	.. B.Sc., M.B.
Respiratory and Anæmia Diseases Research Department—	
Assistant Research Worker	.. M.B., B.S. (Pb.).
Ditto	.. M.B. (Cal.), D.T.M. (Bengal).
Ditto	.. M.B., B.S. (Bom.), D.T.M. (Liverpool).
Leprosy Research Department—	
Assistant Research Worker	.. M.B. (Cal.), D.T.M. (Bengal).
Ditto	.. L.M.P. (Patna).
Bowel Diseases Research Department—	
Assistant Research Worker	.. M.B., D.T.M. (Bengal).
Diabetes Research Department—	
Scholar	.. M.B. (Cal.), F.C.S. (Lond.), F.R.S.A. (London).
Filariasis Research Department—	
Scholar	.. L.M.P. (Mad.).
Kala-azar Research Department—	
Assistant Research Worker	.. I.M.D., Diploma holder in Medicine and Surgery, L.T.M., Certificate in Malanology.
Dermatology Department—	
Assistant Research Worker	.. M.B. (Cal.).
Ditto	.. M.B. (Cal.), D.T.M. (Liverpool).
Ditto	.. L.M.P., L.T.M. (Bengal).
Cholera Toxin Enquiry—	
Assistant Research Worker	.. L.M.P., L.T.M.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Minister give us the date of the last appointment?

The The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Babu HEM CHANDRA ROY CHOUDHURI: Was there any Muslim candidate on the occasion of the last recruitment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Tangail-Serajganj Ferry Service.

*166. **Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware—

(*i*) that in the previous years there was maintained a regular ferry steamer service between Tangail and Serajganj during the rainy season when there has been sufficient water in the rivers; and

(*ii*) that during the current year there is sufficient water to allow passage for the ferry steamer, but the said service has been discontinued;

(*iii*) that the discontinuance of the said steamer service has caused inconvenience to the travelling public; and

(*iv*) that this has given rise to a feeling amongst the people affected?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, do the Government propose taking in the matter?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) and (*ii*) Government are informed that for the past three years the Rivers Steam Navigation Company, Limited, have run a ferry steamer between Tangail and Serajganj during the rainy season: this service has been run at a considerable loss and the Company has discontinued the service during the current year.

(*iii*) and (*iv*) The discontinuance of the steamer service has no doubt caused a certain amount of inconvenience but the local officers report that there is a daily feeder service between Serajganj and Charubari and Porabari and that Tangail is accessible by boat from either of the latter places.

(*b*) Government do not propose to take any action.

Maulvi SYED MAJID BAKSH: With reference to answer (*a*) (*i*) and (*ii*), what was the loss due to, want of passengers or anything else?

The Hon'ble Sir JOHN WOODHEAD: Want of traffic, Sir.

Salary and equipment of dafadars and chaukidars.

*169. **Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing for the year 1934-35—

(*i*) the total income of union boards; and

(*ii*) the total expenditure on the salary and equipment of *dafadars* and *chaukidars*?

(*b*) Do the Government make any contribution to the salary and equipment of the *dafadars* and *chaukidars*?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Rupees 99,80,023.

(*ii*) Rupees 49,38,633.

(*b*) No.

Mymensingh-Tangail Road.

***110. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the names of roads taken up on the recommendation of the Provincial Road Board in each district of Bengal;

(*ii*) the length of each of these roads;

(*iii*) the amount of money estimated to be spent for each of these roads;

(*iv*) the amount of money actually spent up to date for each of these roads;

(*v*) the date of inauguration of this Road Board;

(*vi*) the date of commencement of work on each road;

(*vii*) the sources from which fund is provided for these roads; and

(*viii*) the time which will be taken for completing each of these roads?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the Mymensingh-Tangail Road was taken up on the recommendation of the Road Board; and

(*ii*) that very poor progress has been made in the work of this road during these years?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for such delay in the work of this road?

(*d*) When is this road expected to be completed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*), (*i*), (*ii*), (*iii*), (*iv*), (*vi*) and (*viii*) Necessary information is being collected and a statement will be sent to the member as soon as it is ready.

(*a*) (*v*) The Road Board was constituted in 1930.

(a) (*vii*) The scheme was to be financed from the Provincial share of the Central Road Account.

(*b*) (*i*) Yes.

(*ii*) No. The progress made has been satisfactory.

(*c*) Does not arise.

(*d*) By June, 1936.

Babu HEM CHANDRA ROY CHOUDHURI: With reference to answer (*a*) (*i*), (*ii*), (*iii*), (*iv*), (*v*), and (*viii*), will the Hon'ble Minister be pleased to state whether this information will be available to all the members of the House or to the questioner only?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the practice is to send it to the questioner, only.

Maulvi SYED MAJID BAKSH: Is it a metalled road or a non-metalled one?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is only partly metalled.

Deposits by excise vendors.

***111. Mr. R. MAITI:** (*a*) Will the Hon'ble Minister in charge of the Revenue (Excise) Department be pleased to lay on the table a statement showing separately the amount paid by the excise vendors of Bengal as advance deposit for holding excise shops under—

(*i*) the system of "two months' fee in advance" introduced in 1919; and

(*ii*) the system of "one and a half months' fee in advance" introduced in 1927; and

(*iii*) the system of "fifteen days' fee in advance" introduced in 1933?

(*b*) Is it a fact that the excise vendors are not allowed to draw interest whatsoever on the amount kept in deposit by them with the Government under the said system?

(*c*) Is it a fact that in all other departments of the Government officers who are required to deposit money as security are always entitled to interest on the amount deposited by them for the period the amount is held in deposit?

(*d*) If the answers to (*b*) and (*c*) are in the affirmative, what is the reason for the differential treatment?

(*e*) Is it a fact that those excise vendors who have deposited money as security under the system of "two months' fee in advance" or "one and a half months' fee in advance," introduced in 1919 and 1927, respectively, are not allowed to enjoy the benefits of the present system of "fifteen days' fee in advance" introduced in 1933 by withdrawing the greater portion of the amount already deposited by them under previous systems?

(*f*) If the answer to (*e*) is in the affirmative, what is the reason for not giving them the benefits of the revised system, specially when the amount in deposit carries no interest at all?

(*g*) Is the Hon'ble Minister aware that a representation was submitted to the Excise Commissioner of Bengal in April last by a great many excise vendors in the district of Midnapore praying for the removal of the grievances in respect of their security deposit but to no effect?

(*h*) Are the Government considering the desirability of making the present rule of "fifteen days' fee in advance" equally applicable to all cases before its introduction and allowing the excise vendors to deposit the amount in Post Office Savings Bank so that they may be entitled to the interest?

MINISTER in charge of REVENUE (EXCISE) DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*), (*i*), (*ii*) and (*iii*) The figures are not readily available, and much time and labour will be involved in collecting them. Government regret that they are unable to undertake to do this.

(*b*), (*c*) and (*d*) The member is referred to the reply to part (*a*) (*iii*) of the starred question No. 54 asked by Mr. Ananda Mohan Poddar at the meeting of the Council held on 5th December, 1932.

The fee deposits made by vendors are in the nature of advance license fees and therefore have no analogy with the security deposits made by Government servants.

(*e*) Yes.

(*f*) The half-yearly system is purely experimental and during the currency of the experiment, Government see no reason to alter the conditions under which the older licensees made their deposits.

(*g*) No such representation was received by the Commissioner of Excise and Salt.

(*h*) No.

Union courts in Chittagong.

*112. **Maulvi SYED OSMAN HAIDER CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing how many union boards, union benches and union courts are in existence at present in each of the districts of Bengal?

(*b*) Will the Hon'ble Member be pleased to state whether qualification required for being a member of a union bench is taken as sufficient to be a member of a union court?

(*c*) Are the Government considering the desirability of establishing union courts in the *thanas* or near about them where there is no munsif's court but where union benches have already been established?

(*d*) What are the reasons for notifying only one union court in the whole of the Sadar subdivision (B), Chittagong, where there has been notification of 25 union benches in the *Calcutta Gazette*, dated the 11th July, 1935?

(*e*) What were the reasons for withdrawing later on the union court powers vested in the four union benches in Chittagong as notified in the *Calcutta Gazette*, dated the 17th November, 1932?

(*f*) Is the Hon'ble Member aware—

(*i*) that there is no munsif's court in the *thanas* or within 8 miles of Banskhali, Anwara and Boalkhali police-stations in Chittagong; but

(*ii*) the union boards in those *thanas* have got union bench powers?

(*g*) Have the Government considered the question whether the members of the union benches referred to in (*f*)(*ii*) have got the necessary qualifications to carry on union courts?

(*h*) Are the Government considering the desirability of vesting the members of the said benches with union court powers?

(*i*) If the answer to (*h*) is in the negative, what are the reasons for the same?

(*j*) What are the reasons for establishing less number of union courts in Chittagong in comparison with other districts in Bengal?

(*k*) Is the Hon'ble Member aware that a resolution for increase of union bench and court has been passed in the District Union Board Conference presided over by the District Magistrate of Chittagong?

(*l*) What are the reasons for not establishing union courts in the union benches as recommended by the Circle Officer and Subdivisional Officer (B)?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) A statement is laid on the table.

(*b*) Members of union boards are eligible for both.

(*c*) No adoption of such a general policy is at present in the contemplation of Government.

(*d*) The local officers did not recommend establishment of any more union courts in view of the prevailing local conditions.

(*e*) The notification giving powers of union courts was issued by mistake and was therefore cancelled.

(*f*) (*i*) and (*ii*) Yes; three union boards out of nine in Banskhali police-station, five union boards out of nine in Anwara police-station and four out of eleven in Boalkhali have union bench powers.

(*g*) They are eligible.

(*h*) and (*i*) Proposals for establishment of three union courts including one in Anwara police-station are under consideration.

(*j*) Conditions are different, *vide* also answer to (*d*).

(*k*) Yes.

(*l*) The officers did not recommend establishment of more union courts.

Statement referred to in starred question No. 112 (a).

District.	Number of		
	Union Boards.	Union Benches.	Union Courts.
Burdwan	165	59	59
Birbhum	174	15	15
Bankura	183	64	64
Hooghly	126	21	21
Howrah	82	20	20
24-Parganas	139	81	81
Murshidabad	157	23	23
Nadia	263	112	112
Jessore	261	13	12
Khulna	166	33	13
Dacca	325	209	209
Mymensingh	422	185	185
Faridpur	232	91	91
Bakarganj	270	34	34
Chittagong	157	44	5
Tippera	253	151	123
Noakhali	147	90	12
Rajshahi	190	45	45
Dinajpur	278	14	4
Jalpaiguri	59	..	..
Rangpur	317	123	102
Bogra	132	59	59
Pabna	147	40	40
Malda	92	27	27
Darjeeling	1	..	..

Maulvi SYED MAJID BAKSH: With reference to answer (*g*), will the Hon'ble Member be pleased to state whether, in addition to being eligible, they have the necessary qualifications?

The Hon'ble Sir BROJENDRA LAL MITTER: The answer has been given already, and it is, yes.

Grand Trunk Road level crossing near Shalimar.

***113. Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that the level crossing at the Grand Trunk Road near Shalimar is as a rule kept under lock and key for practically 24 hours, with a narrow passage for the pedestrians and is opened only for allowing motor cars to pass?

(*b*) Is it a fact that sometimes people have to wait for hours together before the gate is opened, thus causing inconvenience and harassment to the public?

(*c*) Is the Hon'ble Member aware that under the Railway Act the Bengal-Nagpur Railway cannot keep the level crossing under lock and key for 24 hours but is expected to close it only a few minutes before and after the passing of a train?

(*d*) Has the fact come to the knowledge of Government that the crossing being on a thoroughfare the buses plying from Howrah to the Botanical Gardens are forced to pay one anna per trip to the gate-keeper for expediting their departure as otherwise the gate-keeper can make them wait for an hour or so before they are allowed to pass?

(*e*) Is the Hon'ble Member aware that requests were made to Bengal-Nagpur Railway authorities by the suffering public including the staff of the Bengal Engineering College, Shalimar Works, Botanical Gardens and Nimput Ashram but to no purpose?

(*f*) Are the Government considering the desirability of taking immediate steps to remove the grievances by asking the Railway authorities to construct an underground line?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) No. The gate is kept open except when it has to be closed for the passage of trains or for shunting operations.

(*b*) No, the maximum detention to road traffic does not exceed 10 minutes.

(*c*) In view of the answer to (*a*), does not arise.

(*d*) and (*e*) No.

(*f*) An underground railway line is impracticable.

Mr. P. BANERJI: Will the Hon'ble Member take it from me that the gate is often kept closed for more than half an hour or even forty-five minutes?

The Hon'ble Sir JOHN WOODHEAD: I have no personal experience in the matter.

Mr. P. BANERJI: With reference to answer (*b*), is the Hon'ble Member aware that the statement that the closing of the gate does not exceed ten minutes, is not a fact?

The Hon'ble Sir JOHN WOODHEAD: I cannot say anything beyond what the railway authorities have reported. They have told us that the period of detention does not exceed ten minutes, and that they keep a careful record; that is the information they have given us.

Mr. P. BANERJI: Is the Hon'ble Member aware that no record of timing is kept by the gateman there during the shunting period?

The Hon'ble Sir JOHN WOODHEAD: I can only repeat that we have been informed that a careful record is kept which is checked daily by officers.

Mr. P. BANERJI: With reference to answer (*f*), if an underground railway line is impracticable, does the Hon'ble Member think that an overhead bridge for pedestrians is practicable?

The Hon'ble Sir JOHN WOODHEAD: I believe the original question contained no reference to the detention of pedestrian traffic.

Transfer of constables from Noakhali.

***114. Maulvi MUHAMMAD FAZLULLAH:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that a large number of constables were transferred from Noakhali last year?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what is their number; and

(*ii*) what were the reasons for their transfer?

(*c*) Will the Hon'ble Member be pleased to state whether it is a fact that the said transfer was the offshoot of a coining case in union board No. 7, Benodepore, police-station Shudharam?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) who were the constables concerned;

(*ii*) what were the definite charges against them; and

(*iii*) what action was taken against them?

(*e*) Is it a fact that—

(*i*) some of the constables escaped punishment; and

(*ii*) some others were awarded punishment?

(*f*) If the answer to (*e*) is in the affirmative, what are the reasons of the differential treatment?

(*g*) Are the Government considering the desirability of holding an inquiry by the Superintendent of Police personally into the matter?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) and (*b*) On administrative grounds it became necessary to replace 73 constables by men who were not natives of the district.

(*c*) No.

(*d*), (*e*), (*f*) and (*g*) Do not arise.

Training women in weaving.

***115. Rai Bahadur SATYENDRA KUMAR DAS:** Is the Hon'ble Minister in charge of the Agriculture and Industries Department considering the desirability of emulating the example of Assam in matters of weaving by girls by making elaborate provisions for imparting instructions in weaving amongst the *bhadralok* ladies of Bengal?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, of Ratanpur): Assam is now emulating Bengal and not *vice versa* in the matter of training women in weaving.

Since 1926 the Department of Industries has maintained a Women's Department attached to the Serampore Weaving Institute complete with hostel accommodation where under well regulated conditions Bengali young women are given a sound training in handloom weaving, dyeing, embroidery, knitting, carpet making and other domestic craftsmanship.

The Government of Bengal also give a very substantial grant to the Saroj Nalini Dutt Memorial Association which has for its main object the training of women all over Bengal in weaving and other aspects of house-craft.

Alleged grievances of the students of Government Silk Weaving and Dyeing Institute, Berhampore.

***116. Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that the students of the advanced classes of the Government Silk Weaving and Dyeing Institute, Berhampore, Bengal, submitted a petition to the Director of Industries, Bengal, when he was on a visit to the Institute on the 15th January, 1934?

(*b*) Did the Government make any inquiry into the grievances set forth in the petition?

(*c*) If the answer to (*b*) is in the affirmative, what steps, if any, have been taken to redress the same?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

Government Silk Weaving and Dyeing Institute, Berhampore.

***117. Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) the date of starting the Silk Weaving and Dyeing Institute at Berhampore;

(*ii*) the total capital expenditure incurred, including the costs of machineries, etc., for the said institute; and

(*iii*) the average annual recurring expenditure incurred for its maintenance and upkeep?

(*b*) Has the institute in any way helped in reviving the dying and decaying silk industry in Bengal? If so, how?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*) (*i*) 18th July, 1927.

(*ii*) Rs. 36,000 (approximately).

(*iii*) Rs. 18,500 for the last three years.

(*b*) Yes, by giving its students free training in the reeling, dyeing and weaving of silk on cottage industry lines.

Development of silk industry.

*118. **Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Department of Industries has prepared any scheme for the utilisation of the special grant allotted to Bengal by the Government of India for the revival and improvement of home and cottage industries in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, what is the nature of the said scheme?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing how the said grant has been distributed among the several districts in Bengal and to state on what principle the distribution has been made?

(*d*) Has any portion of the said grant been earmarked for the development of dying silk industry in Bengal?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*) and (*b*) The member is referred to item No. 7 of the list of schemes in the Memorandum explaining the projects on which the Government of India have approved the expenditure of the grant for rural uplift.

(*c*) It has been proposed to distribute the demonstration parties among the seven deltaic districts which produce coconuts.

(*d*) No. The Government of India have made a separate grant for the development of sericultural industry for five years and this Government's share for the current year is Rs. 41,347. The details of schemes on which this grant will be utilised are given in this department Memorandum No. 3736, dated 1st August, 1935, already circulated to the members of the Council.

Mr. NARENDRA KUMAR BASU: May I enquire of the Hon'ble Minister what coconut has got to do with silk industry?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I want notice.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state whether the Agriculture or the Industries Department under him is evolving a new scheme for producing silk from coconut fibre?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I want notice; and before I give a definite reply, I should like to consult the experts of my department.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Minister prepared to establish model farms and send out demonstration parties for the production of cocoons?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: Yes.

Cossimbazar Raj Wards Estate in Rangpur.

*119. **Kazi EMDADUL HOQUE:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) when has the Court of Wards assumed charge of the Cossimbazar Raj Ward Estate;

(*ii*) how many appointments of *tahsildars* and clerks have been made since then;

(*iii*) how many of them have gone to the *bona fide* candidates of the Rangpur district;

(*iv*) how many have gone to the Hindus;

(*v*) how many have gone to the Mussalmans; and

(*vi*) how many applications received from the *bona fide* candidates of the district for appointments as *tahsildars* and clerks have been rejected, and why?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*i*) 1st March, 1929.

(*ii*) One *tahsildar* and 3 *tahsil mohurrirs*.

(*iii*) The expression "*bona fide* candidates" is not understood.

(*iv*) All.

(*v*) None.

(*vi*) Appointments were made from an existing list of candidates: no fresh applications were invited, and therefore the question of rejection does not arise.

Panchar Union Board.

*120. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the election of Panchar Union Board under the subdivision of Madaripur in the district of Faridpur was held on the 3rd of August, 1930;

(*ii*) that the said election was set aside by the District Magistrate;

(*iii*) that a fresh election was held on the 8th November, 1930; and

(*iv*) that the Hon'ble High Court in their judgment, dated the 15th August, 1934, held that the District Magistrate's order for setting aside the election "was without jurisdiction"?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government have taken to give effect to the order of the Hon'ble High Court?

(*c*) Is it a fact that the members who were elected in the second election, are still holding the office?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) Yes.

(*iii*) Fresh elections were held on 8th November, 1930, and 9th November, 1930.

(*iv*) Yes.

(*b*) It is reported that notifications have been issued cancelling the present board and constituting the board on the basis of the elections of August, 1930.

(*c*) Yes. This board will stand dissolved as soon as the notifications are published in the Gazette and the other board is constituted.

Honorary physicians and surgeons.

***121. Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government are contemplating the introduction of the system of honorary physicians and surgeons in the hospitals in districts like that in Calcutta?

(*b*) Is it a fact that the question of the health examination of the school boys was settled in 1930 but was postponed for financial difficulties?

(*c*) Is the Hon'ble Minister in a position to state the probable date by which this work may be taken in hand?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) Yes.

(*c*) The question is now being examined.

Mr. P. BANERJI: With reference to answer (*c*), will the Hon'ble Minister be pleased to enlighten us whether the Government of Bengal, after examining the question, will introduce health examination amongst schoolboys from a certain date?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The matter is under examination now, and we cannot be definite about the date.

Contract for supply of articles of food in the Campbell Medical School.

*122. **Khan Bahadur Maulvi EMADUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the authorities of the Campbell Medical School and Hospital have accepted the tender for supplying milk to the hospital at the rate of Rs. 9-4 per maund?

(*b*) Is the Hon'ble Minister aware that there were tenders at the rate of Rs. 8-4 and Rs. 8-8 per maund?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, what are the reasons for accepting a higher tender?

(*d*) What is the average quantity of milk per day that is supplied to the hospital?

(*e*) Is it a fact that the same contractor has got the contract for bread and other articles of food at higher rates while there were tenders at lower rates?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No: the accepted tender for milk is at Rs. 9 a maund.

(*b*) There were tenders at the rates of Rs. 8, Rs. 8-8 and Rs. 8-12.

(*c*) The contractor whose tender was accepted supplied milk during the previous two years and was found efficient and reliable. The contractors who offered lower tenders, were not considered to be dependable.

(*d*) Between nine and ten maunds.

(*e*) The same contractor got the contract for other articles of food except bread. His tender was the lowest, taking all the articles of supply into account.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state who has the authority to accept these tenders?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Superintendent of the hospital.

Mr. NARENDRA KUMAR BASU: Has that authority an unfettered discretion in these matters or is there a governing body to look into these things?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The discretion of the Superintendent is unfettered.

Mr. NARENDRA KUMAR BASU: With reference to answer (*c*), what criterion was applied to find out whether the contractors were dependable or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The matter rests entirely on the discretion of the Superintendent and his common sense.

Mr. NARENDRA KUMAR BASU: What opportunity was given to the new contractors to prove their dependability?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Superintendent applied his common sense to the information available to him and came to his own conclusion.

Revd. B. A. NAG: Do the visitors report to the Superintendent as to the quality of the milk and other food articles supplied?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They may, Sir.

Maulvi SYED NAUSHER ALI: Is there any list of approved contractors?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Proposal for establishment of jute mills by Bengali shareholders.

***123. Rai Bahadur SATYENDRA KUMAR DAS:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Government are considering the desirability of—

(*i*) fixing a minimum price for jute of each grade, thereby helping jute restriction;

(*ii*) encouraging by means of guarantee of minimum dividend of 3½ per cent., the establishment of jute mills by Bengali shareholders; and

(*iii*) encouraging the establishment of jute mills by further promise of Government purchases from such concerns?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*i*) No. The suggestion is impracticable.

(*ii*) and (*iii*) No.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Minister be pleased to state what steps have been taken by Government to ensure a fair price of jute for the *raiyats*?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I refer the hon'ble member to my speech made the other day while making the demand for a grant for jute restriction.

Mr. SHANTI SHEKHARESWAR RAY: What, in the opinion of the Hon'ble Minister, is a fair price for jute?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I have nothing more to add to what I have already stated.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Minister aware that as a result of his statement the price of jute has gone down considerably during the last few days?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: No, Sir.

Mr. P. BANERJI: Is the Hon'ble Minister aware that before that statement was made, the price of jute was Rs. 35, and that since that statement has been made, it has gone down to Rs. 32.

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: So far as I know, it was never Rs. 35.

Mr. SHANTI SHEKHARESWAR RAY: What does the Hon'ble Minister mean by saying that the *raiyats* will get a fair price?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I think Rs. 6 per maund is a fair price nowadays, because the cost of production is now much less than what it was before. Whatever might have been the effect in the Calcutta market on account of speculation, the *raiyats* in the mufassal are now getting a fair price, I think.

Mr. SHANTI SHEKHARESWAR RAY: Is it the opinion of Government that Rs. 6 per maund is a fair price for jute?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: Sir, according to our present reports, the cost of production of jute has considerably gone down, and if the *raiyats* get Rs. 6 per maund of jute, they will consider it as a reasonable price.

Mr. SHANTI SHEKHARESWAR RAY: Is it the intention of Government that the *raiyats* should be given Rs. 6 per maund of jute?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: Sir, it is very difficult to say so. What I mean is, that they are getting about Rs. 6 per maund of jute, and they are certainly getting quite a good price now, far better than what they were getting erelong.

Maulvi SYED MAJID BAKSH: By what method Government intend to fix the price of jute?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: We never intend to fix the price of jute.

Mr. P. BANERJI: Is it not a fact that the price of jute in the mufassal is less than Rs. 5?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: It might be less than Rs. 5 at certain places, but in most of the important jute centres the *raiyats* have been getting from Rs. 5 to Rs. 6. Of course, there is a change in the price of jute daily.

Mr. SHANTI SHEKHARESWAR RAY: What steps Government intend to take if the price is below Rs. 5 or Rs. 6?

Mr. PRESIDENT: It is more or less a hypothetical quetsion, and is, therefore, not in order.

Detenu Day.

*124. **Mr. SHANTI SHEKHARESWAR RAY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state how many meetings were held in Bengal on the occasion of the last "Detenu Day"?

(*b*) Did the Government of Bengal or any District Magistrate or police authority issue orders prohibiting the holding of a meeting on the occasion? If so, where?

(*c*) Did any newspaper published in Bengal disobey the orders of the Government banning the publication of any news in this connection?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Fifteen.

(*b*) The holding of any meeting on the occasion of "Detenu Day" was prohibited by the District Magistrate in Chittagong.

(*c*) One, apart from two local newspapers which published articles in ignorance of the notification.

Sandwip High English School.

*125. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the question of recognition of the Sandwip High English School in the district of Noakhali is pending report by the department for about 2 years?

(*b*) Is it a fact that the school has fulfilled all the requirements for affiliation as reported by the Divisional Inspector of Schools and other departmental officers?

(*c*) Is it a fact that the Divisional Inspector who was asked to enquire into the matters, submitted reports after enquiries into the matter on several occasions recommending affiliation of the school?

(*d*) Is it a fact that the departmental officers and many other high officials have testified to the necessity of the school for advancement, specially of Muhammadan education in the island of Sandwip?

(*e*) Is the Hon'ble Minister aware—

(*i*) that the Muhammadan community at Sandwip are generally poor and specially backward in English education;

(*ii*) that they have spent more than Rs. 15,000 for the establishment of the school?

(*f*) Is it a fact that a certain section of the Hindus at Sandwip have made innumerable representations both to the University and the Director of Public Instruction opposing grant of affiliation?

(*g*) Will the Hon'ble Minister be pleased to state at what stage this school matter now stands so far as the Education Department is concerned?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) No. The school's application for recognition was disposed of by the Calcutta University two years ago. What is pending is the question of its amalgamation with the local Cargill High English School.

(*b*) This is a matter primarily for the University.

(*c*) Yes.

(*d*) Yes, the Inspector of Schools and certain other high officials have given their opinion that there was a need for a second high school in Sandwip.

(*e*) (*i*) Yes, but it is not known that they are more backward in Sandwip than elsewhere in English education.

(*ii*) Yes.

(f) The Secretary of the Cargill High English School submitted one such representation to the Director of Public Instruction: otherwise Government have no information.

(g) The member is referred to the answer to (a).

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state how the application for recognition was disposed of by the University—that is, whether the application was rejected summarily or it was referred to the Director of Public Instruction for enquiry?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have no official information in the matter.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state at what stage the question of amalgamation of the two schools arose?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It was decided that the matter would be enquired into by the District Magistrate who would attempt at a compromise, but the report is not yet forthcoming. It is proposed that the Director of Public Instruction will, as soon as possible, visit the place with a view to finding out whether amalgamation is feasible.

Maulvi TAMIZUDDIN KHAN: Is the Education Department taking any initiative in the matter?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have already said what the Director of Public Instruction intends to do, and I have nothing more to add.

Maulvi ABUL QUASEM: Will the Hon'ble Minister be pleased to state if it is a fact that the University has to rely on the officers of the Education Department in order to come to a correct decision as to whether a school should be given affiliation?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: That is one of the methods, Sir; but I do not think that the University only depends upon the reports of the Education Department.

Maulvi ABUL QUASEM: In view of the fact that responsible officers of the department have given their definite opinion that there

is need for a second high school at Sandwip, would the Education Department consider the decision of the University in the matter as final and not proceed further in the matter?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is very difficult for Government to go further in a matter in which the University has passed an opinion, but if my friend will give me a concrete suggestion, I will certainly examine it.

Appointments of Medical officers.

***126. Mr. S. M. BOSE:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) the number of I. M. S. officers working under the Government of Bengal and how this number is fixed;

(*ii*) the mode of recruitment of I. M. S. officers to Bengal, and whether the Local Government has any, if so, what, voice, in the nationality of such officers posted to Bengal;

(*iii*) the number of such I. M. S. officers who are Bengalis;

(*iv*) the posts held by non-Bengali Indian I. M. S. officers in Bengal;

(*v*) the number of high non-I. M. S. appointments in the Bengal Medical Department, whether honorary or paid;

(*vi*) the mode of making the appointments referred to in (*v*);

(*vii*) the number of such appointments within the last five years and the names of persons holding them; and

(*viii*) how many of such appointments have been given to non-Bengalis?

(*b*) Is it a fact that non-Bengalis have been recently appointed to high medical posts in Bengal by the Government of Bengal?

(*c*) Has the Hon'ble Minister taken due note of the public feeling in the matter?

(*d*) (*i*) How appointments to posts in the Tropical School of Medicine are made and who is the appointing authority; and

(*ii*) what is the policy of the Government of Bengal in making appointments to the Medical Department?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) The number of I. M. S. officers working at present under the Government of Bengal is 27.

This number is fixed on the basis of the number of posts reserved for the I. M. S. in Bengal.

(*ii*) As vacancies occur in the cadre, the Local Government request the Government of India to depute I. M. S. officers informing that Government at the same time whether the officers required should be Europeans or Indians according as the posts to be filled up are reserved for Europeans or not. The province of origin of Indian officers is not taken into account.

(*iii*) Three.

(*iv*) Six [viz., posts of (1) the Surgeon-General to the Government of Bengal, (2) Professor of Pharmacology, School of Tropical Medicine, (3) Superintendent, Campbell Medical School and Hospital, (4) Civil Surgeon, Howrah, (5) Officiating Principal, Medical College and Superintendent, Medical College Hospitals, and (6) Professor of Pathology and Bacteriology, School of Tropical Medicine].

(*v*) Forty-four.

(*vi*) By direct recruitment or promotion according to rules.

(*vii*) The number of appointments is 38. The names of officers are given in the annexed statement.

(*viii*) Four, of which two posts are reserved for the I. M. D. and one for Europeans.

(*b*) and (*c*) Yes.

(*d*) (*i*) The appointing authority is the Government of Bengal; in the case of professorships, appointments are made on the recommendation of the Public Services Commission.

(*ii*) The policy of the Government of Bengal is to appoint the most qualified men available.

Statement referred to in the reply to clause (a) (vii) of starred question No. 126.

NAMES OF OFFICERS APPOINTED TO HOLD THE APPOINTMENTS REFERRED TO IN CLAUSE (VII).

Civil Surgeons.

Dr. S. N. Mazumdar.

Dr. A. M. Ghosh.

Dr. M. C. Ghosh.

Dr. C. C. Sinha.

Dr. N. N. Bhattacharji.

Dr. N. N. Ghosh.

Dr. R. C. Datta.

Dr. Khan Sahib F. R. Khan.

Dr. B. M. Hazra.

Dr. J. K. Sen Gupta.

Dr. B. Dutta.

And three officers have since retired.

Superintendent, Pasteur Institute, Calcutta.

Dr. M. J. Nicholas, I.M.D.

Dr. E. C. R. Fox, I.M.D. (retired).

Professor of Tropical Medicine.

Dr. Sivapada Bhattacharji, M.D.

Dr. E. Muir, M.D., F.R.C.S.

Professors, Medical College.

1. Surgery—Mr. L. M. Banerji, M.S. (CAL.), F.R.C.S.
2. Clinical Medicine—Dr. U. P. Bose, F.R.C.P.
3. Pathology—Dr. M. N. De, M.R.C.P.
4. Second Professor of Midwifery—Dr. M. N. Sarkar, F.R.C.S.
5. Physiology—Dr. P. De, M.R.C.P.
6. Biology—Dr. S. Mukerji.

Chemical Examiner, Bengal.

Dr. B. M. Chakravartty.

Resident Surgeons, Medical College Hospitals.

1. Dr. T. Acharji.
2. Dr. Lal Gopal Banerji.
3. Dr. A. Dutta Gupta.

Resident Physicians, Medical College Hospitals.

1. Dr. M. De.
2. Dr. P. R. Das Gupta.

Additional Surgeons, Medical College Hospitals.

1. Rai Dr. U. N. Roy Chowdhury Bahadur.
2. Dr. D. Chakravartty, F.R.C.S.

Additional Physician.

Dr. P. Ganguly.

Resident Surgeon, Eden Hospital.

1. Dr. M. N. Sarkar, F.R.C.S.
2. Dr. S. C. Bose.

Resident Surgeon, Presidency General Hospital.

Dr. W. A. Browne, I.M.D.

Honorary Surgeon, Ear, Nose and Throat Department, Medical College Hospitals.

Dr. S. Roy, F.R.C.S., D.L.O.

Police Surgeon.

Dr. Dabiruddin Ahmad.

Mr. S. M. BOSE: With reference to answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state what are the posts reserved for Europeans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, a number of the Civil Surgeoncies—the Superintendentship of the Presidency General Hospital and two Professorships in the Medical College—these are the posts reserved for European members of the I.M.S.

Mr. S. M. BOSE: With reference to answer (*d*) (*ii*), is it the policy of the Government of Bengal to give preference to Bengalees, other things being the same?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. SYAMAPROSAD MOOKERJEE: With regard to (*iv*), will the Hon'ble Minister be pleased to state from which province all these non-Bengalee I.M.S. officers have come?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mostly from the Punjab, I believe, but Government are not supposed to know their places of origin.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state if it is possible to ensure that non-Bengalee officers may be recruited from different parts of India and not from one province alone?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir; unfortunately, it is not possible.

Rai Bahadur KESHAB CHANDRA BANERJI: Having regard to the fact that out of 27 I.M.S., officers, only three are Bengalees, will the Hon'ble Minister be pleased to state whether he is prepared to recommend to the Government of India to depute Bengalee I.M.S. officers, if available, in future?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This Government have no say on that point.

Rai Bahadur KESHAB CHANDRA BANERJI: Is it then the policy of Government not to give preference to Bengalees in the case of all-India services?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In the case of all-India services, the choice lies with the Government of India.

Muslims in Calcutta Medical College.

*127. **Maulvi AZIZUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay down on the table a statement showing for the various departments of Medical College of Bengal and its various attached Hospitals—

(*i*) the present total numbers of—

(*A*) the Professors and their Assistants.

(*B*) the Visiting staffs both senior and junior including paid or honorary,

(*C*) Resident Medical Officers,

(*D*) Registrar and Anæsthetists,

(*E*) Clinical Pathologists and Demonstrators,

(*F*) House staffs and other medical workers;

(ii) how many of them are Muhammadans in each respective head;

(iii) how many posts of Registrars (both Medical and Surgical) and Demonstrators (Anatomy, Biology and Pharmacology Department) in the Medical College Hospitals have recently been filled up;

(iv) how many Muhammadan candidates possessing requisite qualifications applied for the posts in response to advertisement for the above;

(v) how many of them were granted interviews; and

(vi) how many of them were appointed?

(b) Will the Hon'ble Minister be pleased to lay on the table another statement showing—

(i) how many ministerial officers are there in the Principal's office, Medical College, Calcutta, at present whose maximum amount of scale of pay is above Rs. 100 per month as well as its attached offices;

(ii) how many of them are Muhammadans;

(iii) how many B.M.S. (Provincial Medical Service) were recruited by the Local Government during the last three years; and

(iv) how many of them are Muhammadans in respective heads?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) and (b) The information required by the member is given in the statement which is laid on the table.

Statement referred to in the reply to starred question No. 127.

(a) (i) (A) Professors—Seventeen (including part-time professors). Assistant Professors—5.

(B) Twenty-eight.

(C) Four.

(D) Six Contract Registrars and 3 anæsthetists.

(E) Three Clinical Pathologists and 18 Demonstrators.

(F) One hundred and thirty-eight.

(ii) (A) One.

(B) One.

(C) One.

(D) One (Registrar).

(E) Two (Demonstrators)

(F) Fifteen.

(*iii*) Six posts of Registrars have been filled up. The posts of Demonstrators have not yet been filled up.

(*iv*) Thirteen.

(*v*) Three.

(*vi*) One.

(*b*) (*i*) Five—one permanent and four temporary.

(*ii*) None.

(*iii*) and (*iv*)—

Year.	No. of recruits.	Muhammadans.	Other communities.
1932 ..	16	6	10
1933 ..	No recruits	..	..
1934 ..	14	4	10

Damodar floods.

***128. Maulvi ABUL KASEM:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether he is aware of the devastated condition of the areas alongside the Damodar and the Ajai owing to the recent floods?

(*b*) Is he aware that the agriculturists have lost all their crops?

(*c*) Is he aware that the people affected have no means to meet the cost of living until they receive money from their next harvest?

(*d*) Is he aware that the condition of many of these people is so bad that not only have they no money for food but none to buy seeds, etc., for sowing their next crop?

(*e*) What is the extent of the area devastated?

(*f*) Have the Government any detailed information as to the number of people affected?

(*g*) Will the Hon'ble Member be pleased to state in some detail what steps the Government are taking—

(*i*) to give immediate relief to the starving people; and

(*ii*) to give relief to the agriculturists to purchase seeds for the next sowing?

(*h*) Is the Government aware that a tract of land between the Ajai and the Kunoor has been flooded every year and there has been no rice crop in the Doab now for many years due to these floods?

(*i*) Is the Government aware that these floods are due because of the fact that both the rivers, the Ajai and the Damodar, are bottle-necked and being hill-fed rivers, sand is being deposited in the bed of the river, which has risen higher and higher and the surrounding lands are lower in level?

(*j*) Is it a fact that all the water-channels, such as the Banks, the Kunoor, the Khuri, the Behula, the Gurah and others, which carried both flood and rain water, are now blocked?

(*k*) Is the Government aware that on account of these floods the waters remain in the field and cause not only loss of crop, but also brings about various diseases, particularly malaria?

(*l*) Is it a fact that in 1916 Government accepted a resolution for the prevention of floods and promised to take steps in that direction?

(*m*) Will the Government be pleased to state what steps have been taken for the purpose?

(*n*) Is the Government aware that there has been a failure of crops in many parts of Burdwan for the last three years and that standing crops in the canal area have been destroyed?

(*o*) Is it a fact that Burdwan pays a much larger revenue compared with other areas and that in calculating the revenue charges, *pull-bundi*, etc., were included in the charge?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) to (*o*) A statement is laid on the table.

Statement referred to in the reply to starred question No. 128.

FLOODS IN BURDWAN.

The following statement is laid on the table:—

In the first part of the current month there was heavy rain in Chota-Nagpur causing a rise in the Damodar which for a considerable distance is the boundary between the districts of Burdwan and Bankura and then runs through the former district. Several breaches in the protective *bund* took place and water rapidly rose to a height which varied with the locality. In some parts the Grand Trunk Road was some 8 or 10 feet under water. The flood reached Burdwan town on the 13th August in the morning when the electric power-station was flooded and put out of action. The water-works and jail were also flooded. The local officials under instructions of the Collector had issued a previous warning as to the approach of the flood and when it arrived all possible measures were taken to secure the safety of the people.

Want of boats for rescue and relief purposes formed an initial difficulty, but two were obtained as quickly as possible from Chinsura by rail and proved to be of great help.

Water quickly receded from the town, but spread to the parts south of the river. The railway embankment was not submerged.

Areas affected.—Small areas in *thanas* Raniganj, Ondal, Faridpur and Kaksa, along the upper reaches of the Damodar, were flooded, while in *thanas* Burdwan, Khandaghosh, Raina and Jamalpur the areas inundated were considerable. In Ausgram *thana*, a large area was flooded by the water of the Ajay.

On the 17th August, the Hon'ble Member in charge of the Revenue Department, accompanied by the Hon'ble Minister in charge of the Local Self-Government Department, visited Burdwan and attended a conference of leading officials and non-officials at the Burdwan Raj Palace presided over by the Maharajadhiraja Bahadur. A strong relief committee was formed and the Hon'ble Member in charge assured the conference that Government would do all that was possible to relieve distress caused by the flood. Several non-official agencies were already at work, and the Collector and the district board had already been distributing gratuitous relief. It was decided at the conference that all relief measures should be co-ordinated to avoid overlapping and consequent waste. The extent of the damage is not fully known yet, but in the flooded area, a large number of *kutcha* houses have collapsed. The only ascertained loss of life due to the flood is the case of a girl in Galsi circle who was killed by the collapse of a house. Several deaths from cholera have subsequently been reported, but details are lacking. About 200 heads of cattle are reported to have been drowned, but the number may be larger.

Relief measures.—The area mainly affected north of the Damodar lies in Galsi and Burdwan circles, and here two non-official organizations have been distributing relief from the very outset.

South of the river where transport is difficult, seven official relief centres have already been opened, and a few non-official relief parties are also at work.

The Commissioner has already posted to Burdwan four additional officers on relief work and three more officers have been deputed by Government. Three settlement *kanungos* with experience of flood relief work have also been deputed.

The district board has decided to take adequate measures for relief. Government have already placed at the disposal of the Collector a sum of Rs. 45,000 for distribution as agricultural loan and Rs. 10,000 for gratuitous relief. Instructions have been issued that out of this amount Rs. 5,000 should be distributed to assist the people in rebuilding their houses.

The Commissioner has visited Burdwan several times and is in close touch with the situation, and the Collector and other officers are touring in the affected areas. Every effort is being made to retransplant the areas with paddy where the crop has been damaged by flood by obtaining seedlings from elsewhere.

Medical relief.—Five doctors and six sanitary inspectors have been sent out with 24 pounds of cholera mixture, 16,000 influenza tablets, 30 pounds of quinine tablets, 60 hundred-weights of bleaching powder and 16,000 doses of anti-cholera vaccine. The district board is also distributing medical relief in the affected areas.

Beyond the above information specific replies on some of the points raised by the questioner cannot be given as the question is a short-notice one and it has been impossible to obtain certain information within the time available.

Maulvi ABUL KASEM: With reference to questions (*l*) and (*o*), the Hon'ble Member says in his statement that it was impossible to obtain this information within the time available: May I ask the Hon'ble Member how much time was required by him and his office just to turn over the pages of the Proceedings of this Council in 1916, and how much time was required to find out from the last Report of the Board of Revenue what amount of revenue was derived from Burdwan and other districts?

The Hon'ble Sir BROJENDRA LAL MITTER: I could not reply to these questions because there was no time. A proper answer to these questions involves looking into papers from 1916 to 1935—it is a pretty long period of 20 years.

Maulvi ABUL KASEM: Sir, I have only referred to 1916.

The Hon'ble Sir BROJENDRA LAL MITTER: The hon'ble member may say that, but one of the questions is: Will the Government be pleased to state what steps have been taken for the purpose?—and that question is not confined to 1916 alone.

Maulvi ABUL KASEM: No, no; the question is——

Mr. PRESIDENT: Order, order, you should not interrupt the Hon'ble Member when he is making a statement.

The Hon'ble Sir BROJENDRA LAL MITTER: I accepted this short-notice question, but within the time at our disposal, it was not possible to take up the records of 20 years and give an adequate

answer. I thought that what hon'ble member was most interested in was the condition of the floods at the moment, and I have given all the available information. As regards information available from records, they may be given at any subsequent time, and for that purpose a short-notice question is not necessary.

Maulvi ABUL KASEM: With regard to questions (*h*) and (*i*), was the Hon'ble Member aware of the annual flooding of the tract of land between the Ajay and the Kunoor, when he was recently at Burdwan?

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, the hon'ble member is giving some information and is not asking any question. I am personally not aware of these facts.

Maulvi ABUL KASEM: Sir, I beg to submit that the answers given are very unsatisfactory, and I appeal to you, Sir,——

Mr. PRESIDENT: But the rules do not permit you to discuss the merits or demerits of any particular answer, although you are at liberty to put supplementary questions to have your points cleared. I cannot allow you to criticise an answer. You must be ingenuous enough to get your points cleared by supplementary questions.

Mr. SHANTI SHEKHARESWAR RAY: Has the Hon'ble Member visited any area outside the town of Burdwan at the time of his recent tour to the flood-affected areas?

The Hon'ble Sir BROJENDRA LAL MITTER: I have.

Mr. SHANTI SHEKHARESWAR RAY: May I have the names of the places he visited?

The Hon'ble Sir BROJENDRA LAL MITTER: I do not remember the names of the places I visited.

Maulvi ABUL KASEM: Has the Hon'ble Member been in any part of the Khandakosh thana?

The Hon'ble Sir BROJENDRA LAL MITTER: No, Sir, I had not been there.

Khan Bahadur MUHAMMAD ABDUL MOMIN: May I enquire of the Hon'ble Member if, at the conference held at Burdwan, the causes of these periodical floods were examined?

The Hon'ble Sir BROJENDRA LAL MITTER: No, Sir. At the conference, we were anxious to consider the question of affording immediate relief to the sufferers, and nothing else was taken into consideration.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is it the intention of the Hon'ble Member that after his immediate distractions are over, he will take up the question of how to prevent the recurrence of such floods?

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, it is the intention of Government to examine the whole question in the light of the experience gained from the recent flood, but what the lessons of this will be, have not yet crystallised.

Maulvi ABUL KASEM: Are not the lessons obtained from the floods of 1916 and 1913 before the Hon'ble Member, to come to a proper decision?

The Hon'ble Sir BROJENDRA LAL MITTER: That is much too vague a question for an answer.

Mr. NARENDRA KUMAR BASU: May I rise to a point of order, Sir? Is it permissible, Sir, for an Hon'ble Member of Government, when he has already accepted a short-notice question having several points to be answered, to answer some of them at his discretion, and refuse to answer others?

Mr. PRESIDENT: When an Hon'ble Member undertakes to answer a short-notice question, it is really courtesy shown by him to the questioner. Questions may sometimes be put which are not easy to answer at short notice. An allowance should, therefore, be made by the members of the House in such cases. But the right to put supplementary questions belongs to them and that should be taken as a sufficient safeguard.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Renewal of motor-car licenses.

68. Maulvi MUHAMMAD SOLAIMAN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the period of license for cars expires on the 1st March of every year?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether there is any definite period of time for the renewal of the license?

(*c*) Will the Hon'ble Minister be pleased to state whether any notice is given before the expiry of the license?

(*d*) Is the Hon'ble Minister aware that the license cannot be renewed in a day on account of great congestion of persons in the office?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No. The member is referred to rule 21 of the Bengal Motor Vehicles Tax Rules.

(*b*) Does not arise.

(*c*) and (*d*) No.

Leave allowances of menials.

61. Mr. NARENDRA KUMAR BASU: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether there are any rules regulating the grant of leave to menials employed in the Secretariat and the subordinate offices?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether those rules have been revised recently?

(*c*) If the rules have recently been revised, will the Hon'ble Member be pleased to state whether by the revision the leave allowances which the menials used to get previously have since been reduced?

(*d*) If the leave allowance have been curtailed, will the Hon'ble Member be pleased to state whether the Government are contemplating further revision of those rules so as to entitle the menials to get their former allowances?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) and (*b*) Yes.

(*c*) The revised leave rules have not adversely affected the leave allowances of these menials: but a recent reclassification of the pay of some of them has had the unintended effect of reducing their leave allowances in certain circumstances.

(*d*) Yes.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the menials who had their leave allowances reduced under the circumstances mentioned in answer (*c*), will have their dues refunded to them?

The Hon'ble Sir JOHN WOODHEAD: The rules will be changed with retrospective effect.

Improvement of livestock.

62. Rai Bahadur SATYA KINKAR SAHANA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps, if any, have been taken by the Government to give effect to the assurance, given in reply to a previous question of improving the livestock of the province?

(*b*) If any steps have been taken, have they been found to be successful?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 62.

In the answer to starred question No. 96 asked by the member at the meeting of the Council held on 5th March, 1934, reference was made to the policy of Government to improve the cattle and buffalo stock of the province by the introduction of pedigree bulls for breeding purposes as well as to the fact that stud bulls are actually distributed and also maintained at the Government farms for breeding purposes. Reference was also made to the scheme for the improvement of cattle by the grant of premia to bull owners, and the Poultry Section in the Dacca Farm.

Apart from the normal work of making the services of the bulls maintained at the farms available to the public for breeding purposes and the distribution of stud bulls from the Cattle Section, a measure of success has been achieved in the districts of Malda, Rajshahi, Nadia and Hooghly where the cattle improvement scheme has been in operation under the charge of two Livestock Officers. During 1934-35 the bulls served 2,733 cows against 2,333 in the preceding year. As a result of propaganda an appreciable advance has been made in the growing of fodder crops, better care of stud bulls and the rearing of their progeny. There has also been a public demand for the extension

of the scheme. Government have accordingly sanctioned the entertainment of three additional Livestock Officers bringing the total number to five. These officers are now working in ten districts, *viz.*, Malda-Rajshahi, Hooghly-Bankura, Nadia-Murshidabad, Noakhali-Tippera and Dacca-Faridpur. Government have also sanctioned the grant of premia to owners of 120 bulls at Rs. 5 each per mensem during the current year.

A scheme for intensive work on cattle improvement in the above ten districts has been sanctioned. It is proposed to give effect to it as soon as possible.

The main part of the scheme is to distribute 1,000 pure bred bulls in the above ten districts at 100 per district. Ten Veterinary Assistant Surgeons will also be employed to assist the Livestock Officers in the work of propaganda, inspection, castration and immunisation of young stock. A bull will be kept in a union under the charge of a selected person who will be allowed to charge fees for the service of the bull for meeting the cost of its upkeep. The scheme also provides for the introduction of Napier grass for supplying fodder for cattle in those districts.

Investigation into problems of animal nutrition is also being carried on with grants from the Imperial Council of Agricultural Research.

Since last year arrangement has been made for the free distribution of cockerels and eggs to cultivators in selected villages in Dacca, Chinsura and Rajshahi districts from the Poultry Section in the Dacca Farm on condition that the cultivators should sell their own male stock and not use them for breeding purposes. Government have also sanctioned a scheme for improvement of poultry in the ten districts supervised by the Livestock Officers referred to above, 20 selected mating birds being distributed in each district from the Poultry Section in the Dacca Farm in the villages which agree to dispose of their old male stock.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is it the opinion of the Hon'ble Minister that the appointment of three additional live-stock officers will meet the requirements of the whole province?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: The hon'ble member is referred to my speech made the other day while making a demand for a grant in this connection.

Rai Bahadur KESHAB CHANDRA BANERJI: Is it not a fact that the premium bull system has been a failure?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: No, Sir. The system has been working very satisfactorily.

Maulvi SYED MAJID BAKSH: Have the live-stock officers any special knowledge in their lines?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: Yes, Sir.

Maulvi SYED MAJID BAKSH: Do these officers hold any special degree or any other special qualifications about live-stock matters?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I want notice; it is very difficult to say that offhand.

Rai Bahadur KESHAB CHANDRA BANERJI: What is the total amount of grant Government is required to pay for the premium bull system?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: I want notice.

Faridpur railway station.

83. Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state—

(*i*) what will be the class of the new Faridpur railway station now under construction;

(*ii*) whether it will be a station befitting a district town and the terminus of a railway line;

(*iii*) whether there will be adequate arrangement at the new station for accommodating trains like Pujah Bazar Special, Week-end-Fliers, etc.; and

(*iv*) when is the new station likely to be opened for passenger trains?

The Hon'ble Sir JOHN WOODHEAD: (*i*) A second class station.

(*ii*) Yes. The station building will be according to standard type (second class) with medium height platform and a suitable covered carriage way.

(*iii*) A platform line with a loop to accommodate a full length passenger train, but not the Pujah Bazar Special, will be provided for at the station.

(*iv*) About 1st October, 1935.

Bureau of employment.

64. Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Government are considering the desirability of opening a central bureau of employment in Calcutta with branches and sub-branches in the mufassal districts, subdivisional towns and union board areas for assisting educated and uneducated labour to migrate to centres of employment and to obtain employment in different industries, transport concerns and plantations?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: No. The question of opening an employment bureau for both educated and uneducated labour was considered previously but it was decided that, so far as educated labour is concerned, any action on the lines suggested was impracticable and that in regard to uneducated labour it was not only unnecessary but positively undesirable. Government adhere to that decision.

Drainage and sewage outfall canal over Bhangore area.

65. Maulvi ABUL KASEM: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government have approved Dr. Dey's drainage and sewage outfall canal over the Bhangore area with some modification?

(*b*) Did the Government take the opinion of the experts as to the soundness of the scheme on sanitary basis?

(*c*) Is the Hon'ble Minister aware that a public meeting held on the 26th May, 1935, protested against the flow of the sewage over the area?

(*d*) Have the Government considered the question of the ultimate effect of this sewage canal on the property and the people residing within 2 miles of the proposed canal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Preliminary sanction has been given under section 251 of the Calcutta Municipal Act.

(*b*) Government have since taken the opinion of experts on the subject.

(*c*) Yes.

(*d*) The matter will be fully considered before final sanction is given under section 14.

Working of the loan offices.

88. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to state whether Mr. M. L. Darling, C.I.E., I.C.S., appointed to enquire into the working of the loan offices of Bengal, has submitted his report to the Government?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of publishing the same?

(*c*) What steps, if any, do the Government propose to take in order to put the loan companies on a sounder position and remodel them on approved lines?

(*d*) What reasons led the Government to appoint Mr. Darling to enquire into the working of the loan companies?

(*e*) Is it not a fact that the Government had the reports of the Provincial Banking Enquiry Committee and the Central Banking Enquiry Committee before them?

(*f*) What special experience of the peculiar economic conditions of Bengal had Mr. M. L. Darling, justifying his appointment to report on the loan offices?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) Yes.

(*b*) Government do not propose to publish Mr. Darling's report.

(*c*) The attention of the hon'ble member is invited to the replies given to (*c*) (*i*) and (*ii*) of question No. 46 asked by Mr. Ananda Mohan Poddar on the 19th August, 1935.

(*d*) The attention of the hon'ble member is drawn to the reply given to (*b*), (*c*), (*d*) and (*e*) of the question asked by him on the 21st March, 1935.

(*e*) Yes.

(*f*) Government are not aware that the fall in price of agricultural produce which is mainly responsible for the financial difficulties of loan offices in Bengal is peculiar to this province.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state the reasons for not publishing Mr. Darling's report?

The Hon'ble Sir JOHN WOODHEAD: I did not think it advisable, Sir.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to give us the reasons for not thinking it advisable to publish the report?

The Hon'ble Sir JOHN WOODHEAD: I did not think that it would do any good.

Mr. NARENDRA KUMAR BASU: Is it because Mr. Darling fell foul of the department concerned?

The Hon'ble Sir JOHN WOODHEAD: No, certainly not. I expected that question, Sir. (Laughter.)

Dacca Municipality.

67. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the Mussalman commissioners of the Dacca Municipality are not attending meetings of the Board since the 19th June, 1935?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is in possession of the information as to the reasons why they have taken such steps?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) It is reported that Mussalman commissioners have been absenting themselves, because a Hindu gentleman was on the 19th June, 1935, appointed as the municipal assessor.

Improvement of vegetable and fruit growing industries.

68. Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) what steps, if any, have been taken by the Government to give effect to the assurance given in reply to a previous question, of producing within the province potatoes during the rains, early cauliflowers, mangoes, lichis, oranges and other edibles which are imported from places outside the province; and

(*ii*) whether any steps have been taken to introduce vegetable cultivation and arboriculture in the agricultural farms of the districts of Bankura, Birbhum, Midnapore, Burdwan, Nadia and of other districts which are favourable for the purpose?

The Hon'ble Nawab K. G. M. FAROQUI, of Ratanpur: (*i*) The Department of Agriculture has been supplying large quantities of different varieties of English vegetable seeds including early cauliflower throughout the province. The conditions during the rains are not suitable for growing potatoes in Bengal districts. At the horticultural station at Krishnagar experiments for the improvement of fruit growing industries are being carried out.

(*ii*) No arboricultural work is done in the agricultural farms. All farms, however, grow vegetables, especially English vegetables.

Ahsanullah School of Engineering.

69. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that applications were called for from Muhammadans and members of the depressed classes for filling up the post of the storekeeper of the Ahsanullah School of Engineering, Dacca?

(*b*) If the answer to (*a*) is in the affirmative, how many applications from the Muhammadans and depressed class candidates were received?

(*c*) Is it a fact that the principal of the said school has appointed a Baidya by caste to fill up that vacancy?

(*d*) Is the Hon'ble Minister aware that there were many qualified candidates answering to the specifications in the advertisement?

(*e*) Is it a fact that the gentleman appointed is above 35 years of age and is a relation of an Assistant Foreman of the Workshop of the said school?

(*f*) Is it a fact that the second clerk of the said school, who is an invalid, has been allowed to continue in service after the expiry of his term of office in June last, without the sanction of the Governing Body or the Director of Public Instruction?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, are being taken in the matter?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) Yes.

(*b*) Muslims 9 and Scheduled Castes 4.

(*c*) No. The authority which made the appointment was the Governing Body of the school: they appointed a Baidya to the post.

(*d*) Yes.

(*e*) He was 32 years old on 1st January, 1935. He is related to an Assistant Foreman of the School Workshop.

(*f*) The second clerk of the school, who is not an invalid, has been granted an extension of service for six months by the Governing Body, which by rule is competent to grant such extensions.

(*g*) Does not arise.

High English schools for girls in Calcutta.

70. Mr. S. M. BOSE: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a list of the high English schools for girls existing at present in Calcutta enjoying Government grant-in-aid showing—

(*i*) the amount of monthly grant in 1934-35;

(*ii*) the date when the present grant was first made;

(*iii*) the sanctioned monthly scale of expenditure;

(*iv*) the date of establishment of the school;

(*v*) whether proprietary or non-proprietary institution;

(*vi*) the body in whom vests the ownership of the school; and

(*vii*) whether affiliated to the Calcutta University?

(*b*) Has any special grant been made to any of the aforesaid schools?

(*c*) If the answer to (*b*) is in the affirmative—

(*i*) which school or schools received such special treatment; and

(*ii*) the amounts and the purposes for which they have been made?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*), (*b*) and (*c*) A statement is placed on the table.

Statement referred to in the reply to unstarred question No. 70.

Statement referred to in the reply

Serial No.	Name of school.	Amount of monthly grant in 1934-35.	Date when the present grant was first made.	Sanctioned monthly scale of expenditure.
1	2	3	4	5
		Rs.		Rs. a.
1	Sakhawat Memorial Girls' School ..	1,210	1st July, 1932 ..	2,001 0
2	Binapani Purdah School ..	1,100	1st October, 1923 ..	2,020 0
3	Brahmo Girls' High School ..	1,000	1st August, 1922 ..	2,617 0
4	Victoria Institution ..	830	Ditto ..	3,254 6
5	United Missionary High School ..	800	Ditto ..	2,600 9
6	Gokhale Memorial Girls' School ..	650	Ditto ..	2,955 0
7	Diocesan Collegiate School ..	600	1st April, 1914 ..	2,700 0
8	St. Margaret's High School ..	600	1st March, 1925 ..	1,968 8
9	Christ Church High School (removed to Dum Dum).	500	Ditto ..	1,880 0
10	Beltala Girls' High School ..	410	1st March, 1929 ..	1,800 0
11	Sir R. C. Mitter Memorial Girls' School	250	1st March, 1927	1,440 0
12	Peary Charan Girls' School ..	200	1st March, 1925 ..	852 0
13	Ballygunge Hindu Girls' School ..	192	1st September, 1928 ..	1,152 0

to unstarred question No. 70.

Date of establishment of the school.	Whether proprietary or non-proprietary institution.	Body in whom vests the ownership of the school.	Whether affiliated to the Calcutta University.	Special grant, if any, the amount and the purposes for which they have been made in 1934-35.
6	7	8	9	10
1911 ..	Non-proprietary	Managing Committee.	Unrecognised ..	Rs. 100 for Physical Education.
4th April, 1904 ..	Ditto .	Do. ..	Temporarily recognised.	....
May, 1890 ..	Ditto ..	Do Appointed by Sadharan Brahmo Samaj.	Recognised ..	Rs. 120 for Physical Education.
1st February, 1871	Ditto	Managing Committee.	Do. ..	Rs. 100 for ditto.
1916 ..	Ditto .	Do. .	Do.	....
April, 1930 ..	Ditto ..	Do ..	Recognised to present candidates for the Junior and Senior Cambridge Examination.	Rs. 75 for Physical Education.
1894 ..	Ditto .	Do.	Recognised.	
1896 ..	Ditto	Do. ..	Do. ..	Rs. 760 for the purchase of a motor bus.
7th February, 1883	Ditto ..	Do ..	Do. ..	....
July, 1920 ..	Ditto	Do ..	Temporarily recognised.	
1893 ..	Ditto	Do. ..	Do. ..	Rs. 60 for Physical Education.
1868 .	Ditto	Do. .	Unrecognised ..	.. .
18th April, 1919 ..	Ditto ..	Do ..	Temporarily recognised.	Rs. 75 for Physical education

Mr. S. M. BOSE: Will the Hon'ble Minister be pleased to state if he is thinking of reducing the grants to these girls' schools?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: There is no such intention at present on the part of Government.

Mr. S. M. BOSE: Is it not a fact that the Inspector of Schools has sent letters to some of these schools proposing a cut of 5 per cent.?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Yes, Sir.

Mr. S. M. BOSE: Is the Government aware that such a proposed cut would cause a serious inconvenience to these well-established girls' schools?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Owing to the present state of Government finance, it is not possible to meet the demands of every school. The existing schools are not the only institutions concerned. New schools are coming into existence with a claim for some grant from Government, and the 5 per cent. cut has been proposed in the case of older schools in order to enable Government to give something to the new schools.

Mr. S. M. BOSE: Is it not proper that the amount of the grant should be increased in proportion with the increase in demand for it?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: But in the present financial condition of Government it is not possible to proportionately increase the grant.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Relief of Indebtedness Bill, 1935.

The Hon'ble Khwaja Sir NAZIMUDDIN to introduce a Bill to provide for the relief of indebtedness of agricultural debtors in Bengal.

(The Secretary then read the short title of the Bill.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Khan Bahadur Muhammad Abdul Momin,
(2) Mr. Narendra Kumar Basu,
(3) Mr. W. C. Wordsworth,
(4) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(5) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,
(6) Mr. S. M. Bose,
(7) Mr. H. S. Suhrawardy,
(8) Maulvi Tamizuddin Khan,
(9) Mr. Saileswar Singh Roy,
(10) Dr. Naresh Chandra Sen Gupta,
(11) Khan Bahadur Maulvi Muazzam Ali Khan,
(12) Rai Sahib Panchanan Barma (the Rai Sahib is very seriously ill and we have not been able to obtain his consent. I shall accept an amendment for substituting his name),
(13) Babu Khetter Mohan Ray,
(14) Maulvi Abul Quasem,
(15) Khan Bahadur A. F. M. Abdur-Rahman,
(16) Mr. K. C. Ray Chowdhury,
(17) Khan Sahib Maulvi Mohammed Basir Uddin,
(18) Maulvi Abdul Hamid Shah,
(19) Babu Hem Chandra Roy Choudhuri,
(20) Mr. Ananda Mohan Poddar,
(21) Haji Badi Ahmed Chowdhury,
(22) Babu Amulyadhan Ray,
(23) Maulvi Syed Majid Baksh,
(24) Mr. F. A. Sachse,
(25) Mr. H. P. V. Townend, and
(26) the mover,

with instruction to submit their report as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, in November, 1933, at the St. Andrew's Day Dinner, His Excellency Sir John Anderson urged the necessity of a constructive

policy for the reorganisation of the rural economy of the province. Under His Excellency's guidance, the Government have taken up various schemes for improving the economic condition of the people of Bengal, particularly of the masses. By carrying out extensive propaganda for the restriction of jute-growing, it has been possible to substantially raise the price. A few co-operative land mortgage banks have been established as an experimental measure, and the Bengal Development Bill has been passed by this Council during the present Session. But the real solution of this problem of restoring economic equilibrium to the province lies in tackling the question of rural indebtedness. In a province where 70 per cent. of the population depend mainly on agriculture for their existence, the fall in the price of agricultural produce has seriously affected their economic life and on the top of that their debts before the depression started, according to the Report of the Royal Commission on Agriculture, amounted to something in the neighbourhood of 100 crores. During the period of depression, owing to his reduced income, it has not been possible for the cultivator to repay any amount towards the principal of his debts and he has been able to pay very little of the interest. The result has been that the original amount of debt has now increased enormously in most cases. Many of the members of this House do not perhaps realise how rapidly the debt of the agriculturist mounts up. Apart from the heavy rate of compound interest charged on every occasion that a bond is renewed or fresh money borrowed, large commissions have to be paid, which in some cases increase the rate of interest by one-third or half. Anyone who has read the summary of the report on the redemption of the agricultural indebtedness in Bhavnagar State will have some idea as to how the cultivators fare at the hands of the money-lenders. Perhaps the Bengal cultivators are not generally as badly treated as their fellow-agriculturists have been by the money-lenders in Bhavnagar State, but there is no doubt that some of the methods which used to be employed there are being practised in Bengal as well.

A practice which is not uncommon here is to obtain the debtor's signature on blank paper and have it duly attested. No doubt as long as the debtor does not annoy the *mahajan*, he is not molested, but if he incurs his displeasure, then the screw is put on and the blank paper is written up according to the sweet will of the creditor and the debtor is sued for an amount wholly out of proportion to the sum which had been actually advanced. In order to illustrate what I mean, I may here cite a few typical cases actually disposed of by the Chandpur Voluntary Debt Conciliation Boards. In one case the amount claimed was Rs. 4,000. The original amount borrowed was only Rs. 200 and for it the debtor had previously paid Rs. 850 in cash and executed a fresh bond for Rs. 300 as principal, on which the present claim was based. The most significant fact in this case was that the debtor had no evidence except his own word, and the *mahajan* after some evasive

replies ultimately admitted the facts. In another case the original amount borrowed was either Rs. 3,500 or Rs. 10,500 and the decree obtained from the Privy Council amounted to Rs. 80,000.

There is another well-known case though not typical, where the original amount borrowed was Rs. 50 and the creditor sued the debtor for Rs. 1,24,000. The case was compromised for Rs. 700.

The accumulation of arrears of interest and principal has made the debts so heavy that the cultivator finds himself in a hopeless position, and not unoften is on the verge of despair. Even if he tried all his life and made the utmost efforts to free himself from indebtedness, he cannot yet succeed in paying off his debts during his life-time, and in some cases there is no hope of the debts being ever paid even by his successors. Indeed, in some cases, the debts are inherited, so to speak, by the cultivator, and necessity compels him to add to them and he finds himself in a situation of hopeless despair. Under the circumstances, having lost all hope, he either becomes desperate and is willing to listen to anyone who comes to him with communist propaganda and thus becomes a danger to the State, or he loses all interests in life and becomes a bad cultivator and, therefore, a clog to the wheel of progress. The House can imagine what the ultimate consequence will be if two-thirds of the cultivators of the province continue to groan under this heavy load of indebtedness, losing all hope and prospect in life and condemned to lead a life of economic serfdom. The pity is that once the debtor is heavily involved, he begins to go downhill at a tremendous pace. Not only his debts increase, but he also loses in other ways. As a rule the village *mahajan* is a trader and a purchaser of agricultural produce as well. He buys agricultural produce from his debtors at below the market rate. He, however, sells to them on credit the necessaries of life at above the market rate and adds interest on the price of goods thus supplied on credit. Thus, every door through which the hapless agriculturist might have escaped from his wretched condition is closed against him, and he finds himself, as year succeeds year, more and more entangled.

It has been found that the area where the people are heavily indebted shows a record of increase in crime. The Subdivisional Officer of Chandpur has given some figures to show that there was a marked decrease in crime during the year when the voluntary settlement of debts took place. The figures are as follows:—

Complaints filed in court—

1933-34—2,212 (complaints from the public only 1,608).

1934-35—1,451 (complaints from the public only 1,075).

In no year during the decade 1925-34, for which figures are available, were so few complaints lodged as in 1934-35, the year when the

debt settlements took place and, therefore, Government are convinced that if relief from indebtedness can be brought to the agriculturists on a wide scale, the volume of crime, both visible and invisible, in rural areas, will very appreciably decrease.

I have so far tried to give a picture of the existing condition of the cultivator. Now I shall try to show the effect of rural indebtedness on the economic life of the province as a whole.

I am convinced that village reconstruction, rural uplift, and industrial and economic development of the province are impossible until and unless the debts of the cultivators are scaled down by amicable settlement. Trade and industry in the province cannot prosper till the purchasing power of the masses has been increased. At the present moment the liquid cash of the cultivator goes towards the paying of the interest or part-interest on his debts. He is thus unable to pay his rent and when the landlord puts pressure on him he begins to feel a grievance against the landlord and in this manner the friendly relations which existed between the *raiyats* and the *zemindars* are estranged and if things are allowed to drift, ultimately a class war between the two may develop. But if the debts of the *raiyats* are scaled down and equated payments are fixed in such a manner that after paying his instalment, the cultivator will find himself left with a sufficient margin for paying his rent and purchasing the necessaries of life and paying also the expenses of his children's education, then more money will be coming into circulation leading eventually to the benefit of the *zemindar*, the professional man, and trade and industry, whereas at present most of the liquid cash of the cultivator goes into the coffers of the few money-lenders and thus the free circulation of money is restricted causing depression in trade and industry. Although this may sound like a platitude, yet it is one which we must always bear in mind, that the prosperity of the province and the State depends on the prosperity of the masses, that is to say, the agriculturists who form 70 per cent. of the population.

As long ago as 1933, while opening the Proja Conference at Gurudaspur in the Rajshahi district, I laid emphasis on the necessity of amicable settlement of debts on the basis of voluntary reduction and on the establishment of land mortgage banks. Leaders of trade and commerce and the various Chambers of Commerce have from time to time urged the necessity of tackling the question of rural indebtedness.

Mr. Nalini Ranjan Sarkar delivered a lecture at the Calcutta University Institute in 1932 on the problem of agricultural indebtedness. I would like to quote two small relevant passages from it:—

"India is an agricultural country and the peasants are the backbone of the nation. Yet, curiously enough, the peasants are the most poverty-stricken section of the people in this country. The overwhelming proportions which their total indebtedness has assumed is

astounding and this terrible burden of their debt is gradually on the increase. The Indian peasants are to-day staggering under the cumulative effect of their petty personal debts. The little that they earn after a year's hard toil, far from enabling them to repay the principal or even the full interest on their loans from the *mahajan*, leaves them in many cases in such a position as to force them to run into fresh debts every year for defraying agricultural and other necessary expenses. This burden of indebtedness has reduced a very large number of the peasants to destitution. Conditions have become so grave that it will perhaps be impossible to rectify matters later on if some steps are not taken immediately.

The success of our efforts at ameliorating the economic condition of the peasants of this country and for raising the economic level of India as a whole, hinges on our agricultural indebtedness."

Mr. G. D. Birla in one of his speeches laid great stress on the necessity of increasing the purchasing power of the *raiyats*.

The Indian Chamber of Commerce in a memorandum submitted to the Government of Bengal recognised the connection between rural indebtedness and depression in trade and laid great stress on increasing the purchasing power of the *raiyats*.

One of the relevant passages in that memorandum in connection with the question of debt settlement is as follows:—

"Various solutions have been suggested such as forced liquidation or voluntary liquidation of debts. Some provinces have already moved in the matter. In our opinion, it is desirable to liquidate the debt of each agriculturist, so that he may not be burdened with a debt which would be more than his capacity to repay within a period of 7 to 10 years, from his income after maintaining himself and his family and without his being ousted from such amount of land as is necessary for such maintenance. The Royal Commission on Labour has made some suggestions in regard to the debts of industrial workers. The average earning of an industrial worker is much higher than that of an agriculturist. It is, therefore, still more necessary to protect the dumb, unorganised, leaderless agriculturists than the vocal, organised, industrial worker who is also patronised by so many leaders.

The present time, when the agriculturist is unable to repay his debts or even interest thereon, is very suitable to bring about such liquidation, and this opportunity should not be lost."

The Chairman of the Debt Enquiry Committee appointed by the Bhavanagar State in his memorandum submitted to the State Council summed up the whole situation as follows:—

"Every profession needs capital, and so I do not think a little indebtedness always argues an alarmingly poor economic condition;

but where a *khedut's* condition on examination discloses a debt, of which the amount is always piling up and hence will be finally incapable of repayment, and further the transactions show intolerably usurious rates of interest, and frequent additions of premium, and other charges, such as *paghadi*, etc., the legitimate inference is that a chronic disease has crept in, and if the same is not carefully diagnosed and promptly treated, it will, doubtless, become the cause of the economic ruination of the indebted *khedut*."

In my opinion, this applies equally to the case of the cultivators of Bengal.

I shall quote another relevant portion from the same authority on the justification for exceptional legislation. In my opinion this also applies to Bengal:—

"A further justification for such exceptional legislation, if one was needed, was provided by the fact that the civil courts, working under the ordinary law and procedure, were unable to give relief to the oppressed *kheduts* even in cases of extreme hardship, where there was a manifest suspicion of the *sowcar* having taken undue advantage of the *khedut's* indebted condition. The *sowcar* being familiar with the practice and procedure of the court, took care to so manipulate his books of accounts and obtain from the *khedut* only signed and attested bonds, so perfect and flawless in a legal technical view, that the court had no alternative left but to decree the amount sued for, unless it was to disregard and trample under foot the sanctity of the written contract, on which civilised society mainly functions."

The Royal Commission on Agriculture made the following forcible comment on rural indebtedness:—

"The worst policy towards debt was to ignore it and do nothing."

The Indian Central Banking Enquiry Committee as a result of its elaborate investigation formed the deliberate opinion that the problem of debt redemption was one of supreme importance from the point of the economic prosperity of the country, as well as for the purpose of stemming the growth of discontent among a large section of the population.

It will thus be seen that most of the Chambers of Commerce and leaders of trade, commerce and industry have time and again emphatically advocated the introduction of legislation which will enable reduction of the debts of the agriculturists.

Government appointed a Board of Economic Enquiry and asked their opinion and their concrete suggestions regarding the question of rural indebtedness. The Board of Economic Enquiry after fairly detailed investigations and after due consideration almost unanimously decided in favour of legislation for the scaling down of all debts and

forwarded to Government a draft Bill which was published by Government for opinion and criticism in January last. Government are extremely obliged to the President and Members of the Board for their thoughtful and carefully-worked-out scheme. I may here point out that the Board of Economic Enquiry was a most representative body and had on it leading men representing all the interests in the province. It is, therefore, obvious that the Bill which Government have introduced has got the backing and support of practically one and all. It will not be incorrect to say that there has been insistent demand for such a measure. Therefore, it will be fair to assume that as far as the principle underlying the Bill is concerned, it is free from any objection, but there is a possibility of difference of opinion with regard to details. There also may be a few members who may suggest circulation of the Bill with a view to elicit public opinion. The Draft Bill of the Board of Economic Enquiry was published as long ago as January and Government definitely asked for criticism and opinion. Wide publicity was given to it in most of the newspapers and Rai Bahadur Jamini Mohan Ghosh gave a talk on the Bill over the radio. Therefore, I doubt very much that a case can be made out for the circulation of the Bill. We have before us the opinion of an influential and representative body like the Board of Economic Enquiry and their proposals, and although this Bill differs slightly from the one proposed by the Board of Economic Enquiry, it is mainly based on their recommendations.

Before I proceed to discuss the main clauses of the Bill and the difference between them and those of the Dratt Bill prepared by the Board of Economic Enquiry, I would like to inform the House that in the Chandpur subdivision an experiment was carried out by the Subdivisional Officer Mr. Aziz Ahmad with the help of the Circle Officer in the way of voluntary settlement of debts, by establishing Debt Conciliation Boards. The success of the experiment can be judged from the result which has followed.

These boards which now number 39, dealt with 1,996 cases brought before them by both creditors and debtors, and they settled disputes over debts for which the total amount claimed was Rs. 5,06,234. Their awards in these cases totalled Rs. 2,44,795. Thus, through their instrumentality a reduction of 52 per cent. of the claims was effected, and a great many disputes settled, some of them putting an end to long and bitter litigation and also to dangerous village factions.

The percentage of reduction will be much greater if it is taken into account that no interest will be paid on the reduced amount as long as the instalments are paid regularly. The success of this experiment has led Government to modify certain recommendations of the Bill as prepared by the Board of Economic Enquiry and to rely in the first

instance on purely voluntary arbitration boards and in a limited number of cases additional powers will be given to some of the boards.

The main structure of the Bill is built on the framework prepared by the Board of Economic Enquiry. But there are some fundamental differences mainly in respect of procedure. The board contemplated that the entire debts of each family must be reported, examined and dealt with as a whole and then instalments for payment fixed according to the repaying capacity of the family. The soundness of the principle is well recognised, but it is anticipated that there may be difficulties and delays in actual working if the entire debt is to be settled at once and in one process. The Bill now before the Council provides for progress by gradual steps. It makes obligatory on a debtor (under clauses 9 and 11) to report all his debts and the subsequent determination of his total debt by the Debt Settlement Board is provided for under clause 18. It contemplates, in the light of experience of the Chandpur Conciliation Committee, different treatment to suit different types of cases and would not deprive a debtor of some measure of relief from his crushing burden if due to no fault or unwillingness of his own he cannot come under any of the provisions laid down for settlement of his entire debt.

The other point of procedure on which this Bill differs from the Board's draft is that instead of settling up of boards with full powers to deal with all types of cases, it provides for different types of boards to deal with different types of cases. The Board of Economic Enquiry recognised the impossibility of dealing with all indebted families throughout the province, and proposed formation of a Central Board with a Government officer as Chairman and subsidiary boards with non-officials working independently, all having the same powers.

While it will be recognised that the simple process of amicable settlement can be worked by types of people managing village organisations, it will require people, trained, unbiassed and free from local influences to preside over boards wielding drastic powers.

Clause 19(*a*) of the Bill provides for conciliation by amicable arrangement which has been found to be successful in the experiments made at Chandpur. When such a board finds that it has not been able to settle all the debts, then it will make over the case or cases to the other types of boards, after recording the amicable settlements.

A board empowered under clause 19(*b*) will settle all other debts, in case 40 per cent. of the debts have been settled amicably under sub-clause (*a*) on the basis of fair offers made by the debtor on terms not less favourable than those agreed upon in the amicable settlements and not reducing the debts below the original principal of the debt.

The third type of board under clause 19(*c*), vested with more discretionary powers, will deal with cases in which 60 per cent. of the

debts have been amicably settled, on such terms as it thinks fit, with also the proviso that the terms will not be less favourable than those already accepted in the amicable settlements.

In order to avoid duplication of work which was the only objection advanced by the Board of Economic Enquiry to the proposal, it has been provided in clause 8 for co-option of members to the second and third types of boards from the first type, *i.e.*, some of those already conversant with the case.

The Bill provides for settlement of arrears of rent along with debt, but clause 19(*2*) lays down the important principle that such arrears cannot be reduced except under amicable arrangement.

With such different types of boards it will be possible to cover wider grounds, and it will be possible to establish inexpensive and widespread organisation throughout the province as recommended by the Board of Economic Enquiry.

Another important provision that has been taken from the Central Provinces Act is the certification of debt as provided for in clause 20. This was omitted by the Board of Economic Enquiry, as they contemplated that the entire debt of a debtor would be tackled and adjusted. But according to the present Bill, there will be cases which cannot go to the second or the third type of boards, the percentage of settlement falling short of that prescribed, and cases where there will be no amicable settlement although there be fair and reasonable offers by the debtor. In such cases a specially empowered board may grant a certificate in respect of such a debt. The effect of such a certificate will be to debar the creditor from realising the debt through the civil court until the debts covered by awards are paid or until the expiry of the period mentioned in the certificate. Interest on such certificated debt will run at the rate 6 per cent. per annum.

In clause 21, provision has been made for dealing with cases of insolvents by specially empowered boards. Their cases require a simpler treatment than that in the Provincial Insolvency Act.

In case such a debtor is to be sold up at once at the insistence of the creditors, a contingency not contemplated by the board, he will be left with sufficient land for his maintenance and the sale proceeds of the other lands will be rateably distributed amongst creditors. In the alternative, the debts will be reduced to his repaying capacity and made payable by annual equated payments. On his failure to pay any instalment, all his property excluding his dwelling house will be sold, but under clause 22 he will have only limited right of user in his dwelling house without power of alienation. The Board of Economic Enquiry did not make any such restriction, but it is necessary that he should not be left a free hand in incurring fresh debts by mortgaging it.

While it may appear that so far the clauses dealt with are for the benefit of the debtor, the Bill has provided for far more drastic measures against the dishonest debtor than contemplated by the Board of Economic Enquiry. To prevent wilful omission to mention any debt by the debtor, clause 11(*1*)(*c*) provides for a declaration in the application that all debts have been shown.

Clause 45 is an entirely new clause and provides for imprisonment up to seven years for perjury whether on oath or not and for forgery and false personation and for abetment of the same before the board. In addition to the provisions for dismissal of an application under clause 17 as recommended by the Board of Economic Enquiry, it has been provided under clause 13(*3*) that if after the application of a creditor, a debtor does not come forward on notice, the application will be dismissed.

If a man does not come forward to take advantage of the board, it is no good trying to help him and he must be left to the ordinary civil court. Clause 9(*2*) is an important addition debarring any fresh application within two years from the date of the dismissal of an application by a debtor.

Another point of difference in procedure from that advocated by the Board of Economic Enquiry is with regard to the agency for realisation of instalments. The board contemplated in paragraph 14 of its report that the realisation of defaulted instalments should be made by Circle Officers under the Public Demand Recovery Act. But under clause 25 of the Bill, Certificate Officers are to be the agency for realisation. As the system of itinerant Certificate Officers has been introduced with success, it is expected that there will be no hardship. On the other hand, they will be in a better position to deal with questions like priority of payments, keeping of accounts, etc., than Circle Officers.

As regards attachment of a debtor's immovable property on the filing of an application for settlement as advocated by the board, it has been made optional under clause 32.

The only question that remains for me to deal with is the absence of provision in the Bill for the establishment of land mortgage banks for payment or of the advancing of money by Government for liquidating the debt of the cultivators.

The establishment of land mortgage banks or the advancing of a loan by Government for liquidating the debts would necessitate the establishment of an organisation in rural areas run by paid men of a certain position and status. It would also be essential to make detailed and careful enquiry in the case of each individual before the land mortgage banks or the Government could advance any money to the cultivators. Apart from other objections, the above two considerations seem to me to present insuperable difficulties specially on account of

the fact that the number of organisations, if set up, would have to be limited and the enquiry will take time. This will mean that it will take ages before we can deal with 30 lakhs of families. In my opinion the adjustment of debts is an urgent necessity and delay in initiating measures of adjustment and relief will rob them of all beneficial results. I am reminded of the Persian saying: "By the time the antidote arises from Iraq the persons bitten by the snake will be dead." If the procedure proposed in the Bill enables us to establish Arbitration Boards in every thana and if they are successful as the success of the experiment at Chandpur leads us to hope that they will be, then in a very short time it will be possible for us to dispose the majority of the cases of indebted agriculturists in the province. It will give general relief all over the province. Special powers will be given to a selected number of boards in the beginning and perhaps in certain cases the boards will have official Chairmen. An official Chairman may be necessary for boards that will deal with cases for compulsory liquidation. Special powers will be extended to the boards who are found working impartially and satisfactorily without any complaint.

In conclusion, I would like to state that Government have framed this Bill after mature deliberation and the interests of both creditors and the debtors have been safeguarded, and I claim with a certain amount of confidence that the creditors will, in the long run, have everything to gain and nothing to lose. The Chandpur experiment has shown us that once the debt is scaled down and an award has been made, the cultivator has come forward in a majority of cases with cash payment and there is every reason to believe that if instalments are reasonable, they will be paid regularly. Cultivators who are dejected, disheartened and bereft of all hopes will regain hope, energy, and enthusiasm. The effect will be to revitalize agriculture in Bengal bringing in its wake that economic regeneration for which we have all been so anxiously waiting. The landlords will be directly benefited as they will be able to collect their rents regularly and with the least difficulty. The income of the professional men will likewise increase and with an increase in the purchasing power of the *raiyats* trade and industry will also prosper. I claim that this Bill, when passed and put into operation, will prove to be a manifold blessing. With these words I commend my motion to the House.

Mr. PRESIDENT: At this stage we have to deal with certain amendments. I call upon Maulvi Hassan Ali to move his.

Maulvi HASSAN ALI: Sir, I beg to move that the Bill be circulated for eliciting opinion thereon by the 30th November, 1935.

Sir, I want the circulation of this measure for eliciting opinion of the country not because I am opposed to the principle of the Bill. The time old rural indebtedness has eaten into the vitals of the people. There is no doubt about it. And a full, comprehensive and even a bit drastic measure is immediately necessary at this present juncture of the society to root out this evil. And, Sir, in this respect the proposed Bill is a hopeless one. The Bill proposes to give relief to the rural debtors. But I have got great misgivings that it can give any real relief to the cultivator debtors. The Bill has been so drafted, it has been so schemed that instead of doing any good to the peasant-debtor it will, I believe, give relief only to the *mahajan*, to the creditor classes. This is indeed an irony of fate of the tenants of Bengal. Sir, there is a big carriage of such legislature whitewashes going on in this country for the last six years. Firstly, in 1928 the amended Bengal Tenancy Act was passed with facial advantage to the tenants, but to the real benefit of the landlords, and that Act might well now be named as Bengal Zemindars Act. Secondly, comes, Sir, the Bengal Rural Primary Education Act and that has been a dead letter within such a short time. Thirdly, Sir, comes the Waterways Trust Act professing to revive the dead and dying rivers of Bengal. Fourthly, Sir, and in this very session of this House the other day we have passed the Bengal Land Development Act, and very soon we will see perhaps that also is a dead letter. And this measure, Sir, is the fifth wheel to that big carriage I mentioned: whenever people want butter we give stone to them, and this present Bill is too big and too hard a stone for the debtworn tenants to swallow and to digest. Sir, in my opinion the proposed measure will do no good to the tenants; on the other hand, it will harm them if passed into law.

The Bill, Sir, does not touch the root cause of the evil. It rather goes much more to the advantage of the capitalist and the *mahajan* class of the country. Sir, if you do not root out the real cause of the agricultural indebtedness, this sort of snapshot measure is of no avail. Sir, this curse of agricultural indebtedness is a chronic question—a century old question I may say. Our one or two days' labour here or 10 or 12 days' labour at Darjeeling Hill Exodus by the Select Committee is no match for the problem.

It is commonly assumed, Sir, that the cause of the agriculturist's indebtedness is his extravagance in expenditure on social occasions of death ceremonies and marriages and the like. But this assumption is too facile to deserve any reputation. Our peasant, as a rule, though illiterate, has enough common sense and perhaps has more prudence than his modern educated brothers. He has got enough habits of industry and thrift of rare degree. He incurs debts not on erection of palatial buildings and not on living an extravagant style of life. The real cause of this chronic indebtedness is the diminution of his income. The

soil has lost its fertility by too long a cultivation and no attempt has been made to improve it by the modern scientific methods. The ponds, *bunds* and the canals that were constructed by the ancients for irrigation purposes are now lying unreclaimed. The natural water outlets, the rivers and water-channels are dead and dying and the cultivator is to depend now mainly on rain water and on account of uncertainty of nature and scarcity of water, flood and failure of crops is of frequent occurrence. On the other hand, the cost of living has risen, land rent, union rates and other cesses have ten times increased and the present fall in the price of produce has awfully fallen down and thus the peasant cannot make both ends meet; and he is thus compelled to resort to the money-lender, "the *mahajan*," which term now has grown to be a misnomer. The *mahajan* of the olden times was really a *mahajan*—"a big man." He was not a vampire like his modern prototype. The money that came eventually to his hands was not owned by him for himself. He held it in trust for the villagers for an all-round improvement of the village life. He was not usurious and oppressive like the modern *mahajan*. Nowadays 15 per cent. is the minimum rate of interest charged in Bengal. On the average it varies from 20 per cent. to 100 per cent. And thus we see that the cultivator is born with debt, bears the burden throughout his life, and at death leaves it as a legacy upon the heads of his unfortunate children. Thus, the cultivator is a born slave—nay worse than that in most cases. The cultivator sometimes tries hard to free him from shackles of debts; he parts with his small parcel of land, sometimes his live-stock of bullocks, and all in vain, because the manipulation of accounts by the *mahajan* keep the balance due to them ever fresh and evergreen and everincreasing. Thus, the person of the cultivator like his holding of land become a permanently-settled estate to the *mahajan* and he is born an economic slave and dies an economic slave.

The economic slavery of the Bengal cultivator, Sir, is not an acute problem as we may suppose. The recent economic crisis has only aggravated the situation, and it has become really acute at the present moment. If you want to save the rural population from utter ruin, there is only one remedy—the introduction of some sort of drastic legislation allowing the cultivator to start a new life afresh with the present economic environments.

The Bill does not propose some such drastic measure. I, therefore, suspect that the Bill has been drafted to meet the ends and requirements of the capitalists only. With the present economic crisis, the money-lenders now see that they cannot pay high rates of court-fees for going to law courts, that it does no longer pay to keep the money-lenders under lock and key, and they must take the help of Government, and this Bill has been drafted to the advantage of the *mahajan* for they will have no longer to pay any court-fees. The proposed board

formed mostly perhaps of the union board members are undermen of the *mahajans* who will solve their difficulties. But what would be the position of the poor debtor? He is debarred from representing his case before the board through his lawyer-pleader. He will be quite at the mercy of the board and the *mahajans*. Sir, I for one do not see any reason why a costly board is necessary to direct the debtor to pay his debts by instalments. Civil courts have been exercising such functions for years past. I do not see why they are unable to do the same thing now—everybody knows that the law courts of Bengal are empty. There are only a diminished number of *ex-parte* rent suits to be dealt with by the *munsifs*. They might well be entrusted with this debt redemption business in their miscellaneous case files.

There is another feature, Sir, which makes me far more suspicious as regards the motive of Government. The arrears of rent have been excluded in the present Bill from the definition of rural debts. If the arrears of rents are not rural debts, then what debts of the agriculturist the Hon'ble Member in charge wants to redeem?

(At this stage the Council was adjourned for 15 minutes.)

(After Adjournment.)

Maulvi HASSAN ALI: It is common knowledge, Sir, as I have said before, that a cultivator's debts are mostly on account of paying high, increased rate of land rents, cesses and other taxes.

I for one, therefore, legitimately suspect that this Bill is not to do any good to the indebted tenantry of Bengal but rather it has been designed to perpetrate his economic slavery to the advantage of the capitalists, the *mahajans* and the *zemindars*.

I want, Sir, that the Bill should be more drastic in nature. But the Hon'ble Member may say—A simple summary procedure has been proposed to declare the helpless debtors insolvent. But that will not improve the matter much. The average income of a Bengal cultivator is Rs. 84 per year. And his average debt is about Rs. 200. What provision the Hon'ble Member has made, I ask, to enable the cultivator to pay his instalments after meeting annual expenditure and the bare necessities of life?

I, therefore, would again call this Bill a big whitewash merely and, therefore, I ask the House in all seriousness to send it for eliciting the opinion of the country at large.

Mr. PRESIDENT: It is for consideration whether Rai Bahadur Satya Kinkar Sahana, Babu Suk Lal Nag, and Rai Bahadur Akshoy Kumar Sen should move their amendments. If they do not attach undue importance to the dates mentioned in their amendments, they

may, instead of moving the specific amendments standing against their names, concentrate on the identical motion which has just been moved by Maulvi Hassan Ali. That will save the time of the House.

Rai Bahadur SATYA KINKAR SAHANA: Sir, I would support it.

Mr. PRESIDENT: Very well.

Rai Bahadur SATYA KINKAR SAHANA: Mr. President, Sir, there can be no two opinions about the fact that heavy indebtedness is a great obstacle to the economical regeneration of the country, specially so to the improvement of agriculture which is the main source of wealth of the province. So, Sir, I can have no quarrel with the principle of the Bill; I rather welcome it.

Unfortunately, Sir, I cannot but think that the Bill is insufficient and wanting—that it is only a nibbling measure. For attaining the desired goal we want not a nibbling but a gulping measure. The Bill before the House proposes to give a doubtful sort of relief to those agriculturists only who have got some land. But those landless agriculturists or agricultural labourers, who work on the land of other people for wages, either in cash or kind, are not within the purview of this Bill.

The haves, Sir, are not in such acute difficulty or distress as the have-nots are. The condition of the have-nots is so acute that they cannot help borrowing money and foodstuffs for their very existence! Sir, these have-nots are the people who are easily moved by the preachings of socialism and communism. If they be left in the lurch, if the age-old *mahajans* who have been helping them for generations be given the good-bye, if they be left to the mercy of the Kabuli money-lenders who for the realisation of their money rely more on their thick *lathis* than on the law courts, I fear there will be trouble and great discontent in the country. The preachers of socialism and communism will din in their ears that the Government have not the least consideration for them—that all the care and consideration of the Government is reserved for the haves. This, Sir, is not at all desirable; but this is the only fruit that can be expected of this Bill.

Then, Sir, what relief the landed agriculturists are expected to get from this Bill? They are not going to have any such relief as to outweigh the trouble that they are going to be put to. They are going to have some sort of compromise of their debts, which if they fail to act up to, their lands will be sold and they will be pushed to the fold of the have-nots.

But then, Sir, there is a great trouble ahead which the framers of this Bill—most probably due to their ignorance of the actual state of things in the country—have ignored. Both the haves and have-nots are so conditioned as to be compelled to borrow both money and foodstuffs for the cultivation of their lands and the subsistence of the members of their family. The *mahajans* in the rural areas have been advancing them for generations without much nice calculation on the part either of the creditors or of the debtors. These *mahajans* are neither Dadhichis or Pelicon-mothers, nor bloodthirsty Shylocks. They are co-villagers and neighbours of the creditors and are not always wanting in neighbourly feelings. Sir, if this Bill be passed into law, it is almost certain that the *mahajans* will wind up their lending business. If the *mahajans* be gone, who will advance money and foodstuffs to the needy agriculturists? There is no provision in the Bill for helping the borrowers by setting up loan banks and *dharmagolas*. Till some arrangements are made for advancing money and foodstuffs to the perpetual borrowers of the country, an Act of this nature will do more harm than good to the country—it will be sheer inconsideration—rather cruelty to the debtors themselves. Sir, I do not think that the economic regeneration of the country can be effected by the moving of the magician's wand or by putting the *Pinda* of *Udo* on the shoulder of *Budo*.

Sir, the hope of the Hon'ble Member that this Bill will fight indebtedness out of the country reminds me of a Sanskrit *sloka* painting an impossibility:—

বন্ধ্যাপুত্রো রণে যাতি খপুষ্পমালিকাধরঃ।
কূর্ম্মলোমপটাবৃতঃ শৈরুশৃঙ্গশরাসনঃ॥

The son of the barren woman is going out to fight, wearing a garland prepared from flowers that had blown on the skies, dressed in a garment prepared from the wool of the tortoise and armed with a bow prepared from the horns of the jackal.

If the object of the Government be to throw the needy debtors from the pan on which they are getting fried into the fire, they could not have devised a better method than the present measure. But as I cannot think that the object of the Government is such, I think it is essentially necessary that the Bill be circulated for eliciting public opinion. The best thing that the Government can do to make the measure helpful is to take the public in their confidence and carefully weigh their opinions. The country has groaned under indebtedness for long decades; a delay of a couple of months to make the measure really helpful and popular, I hope, will not bring down the heavens or set the Ganges on fire.

Sir, if the Government be really desirous of relieving the indebtedness of the country, if the Government do not assume that the monopoly

of wisdom and knowledge of the country is with them alone, if the Government be not under the illusion that the welfare of the country is the sole concern of the Government alone and the people of the country are a pack of ravening wolves only, I think it is absolutely necessary that the Bill be circulated for public opinion. Sir, if the Government be not eager to put in another dead letter on the statute book to keep company with its forerunners, I think the Bill should be circulated for public opinion.

Sir, with these few words I commend my motion to the acceptance of the House.

Babu KISHORI MOHAN CHAUDHURI: I do not think that the Bill as framed will be of any real use to the cultivators, or to the debtors, or the *mahajans*. I cannot agree with my friend Mr. Hassan Ali that it is for the benefit of the money-lenders that this Bill has been framed. My apprehension is that the money-lenders will not come forward to advance money to the debtors whenever necessity arises, and they will not be satisfied with 6 per cent. rate of interest because there is apprehension that they will not be able to realise the money from the debtors. Most probably he will not advance as he is now doing and the debtors will be in great difficulty. The real question is the paying capacity of the cultivators and that must be improved. Unless you do that, simply saying that some arrangement has been made and creating a costly machinery for the purpose of collecting information and upon that information arranging for some instalments will hardly improve matters. As Mr. Hassan Ali has said, our cultivators are not very paying and their average income is such that they can barely meet their daily expenses. If after meeting the necessary expenses, they can save something then and then only they can pay their debts. Either by *dharmagolas* or by arranging banks which will be able to advance money at moderate interest to the cultivators you can help the debtor class. But I do not think that the Bill as it has been framed will be of any real good to the debtor for whose benefit it is supposed to be introduced. There is no hurry about it. The matter should be thoroughly considered by the public. I do not understand why it should be referred to a Select Committee now without giving the public an opportunity of knowing the details and expressing their opinion as to whether it will be of any real good to them. If the Government really intend the Bill to be of some use to the debtor, then all the questions affecting them should be thoroughly considered. If Government can advance money at a low rate of interest, there is no necessity for providing 6 per cent. interest to *mahajans* by instalments. Government can borrow money at 3 per cent. or even less than that, as they have recently done—when Government asked for 10 crores at 3 per cent. Rs. 15 crores were subscribed—and lend that money at a lesser

rate than 6 per cent. I think if the *mahajans* can get their money back at once, they will be prepared to make a great sacrifice. There are cases when they accepted even the principal only without any interest. In some cases where there are mortgages there may be some difficulty, as the creditors may not come forward to take their money back on easy instalments. For dealing with such cases, special care is not necessary, as they can be decided by *munsifs* who can deal with these matters with some assessors and jurors, and with their assistance he will be able to dispose of the matter in a way satisfactory to both the parties. It is much better than filing a petition to an arbitration board. The most important thing, as I have already said, is to raise the income of the agriculturists. Make them good paymasters, and if they can manage to save money after meeting the necessary expenses for the maintenance of their family, then and then only can they think of repaying their debts. Upon agricultural income nobody can be certain in these days. As there is a worldwide depression in trade, the value of the products is much less nowadays, and it is not possible to manage their families with the slender income. *Zemindars* are not able to get sufficient money. Rent is the first charge on the land. *Mahajans* are not able to realise their dues even by amicable arrangement or by granting instalments to the debtors. If that is the case, merely enacting a law without the necessary safeguards so that it may be of real benefit to the cultivators, would not be of any benefit to the people for whom it is intended. I, therefore, say that the matter should be gone into very carefully and the Bill should be circulated for public opinion. There is no necessity for rushing it through. A large number of members has been included in the Select Committee; it means unnecessary expenditure to Government. Why should the Select Committee sit now when the Council is not going to sit in October or November? Even if there be any urgency, the Select Committee may sit in December after the return of the Hon'ble Member from Darjeeling and settle the matter here. After all, the granting of two months' time for getting the opinion of the public in whose interest this Bill is introduced would not mean unusual delay. I, therefore, suggest that the Bill should not be referred to a Select Committee now, but that it should be circulated for eliciting public opinion.

Babu SUK LAL NAG: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th October, 1935. Sir, the object of the Bill is to help the agriculturists and none else. The Bill is one-sided. The Government should have considered the situation that there are cases in which the creditor of an agriculturist is also a debtor. And in many cases, such creditors had to borrow for the purpose of giving loan to his agriculturist tenants, when they were in necessity of money for purchasing bulls and seeds. In those Mus

these, the Government should also make provision for the clearance of debts of such creditors. In my opinion, the Bill should have made provisions for the clearance or settlement of debts of all kinds of debtors whether they are agriculturists or not. The Government will not loose anything thereby. By establishment of arbitration boards the Government will loose court-fee money and several law courts are certainly to be abolished. There are other aspects of the thing which also deserves careful consideration. Public opinion should be first obtained before the Bill can go to the Select Committee.

With these words, I beg to move my motion which stands in my name.

Mr. W. H. THOMPSON: Mr. President, Sir, we in the European Group have given a great deal of thought to this Bill, and we have to thank the Hon'ble Member for having helped us to direct the course of our thoughts. Sir, without being sententious, I may remind the House that among civilized people honesty is the best policy and that the individual or the business concern or the nation that never fails to honour its bond is the happiest and the best of the world's citizens. A man's bond is a matter between himself and his creditor, and if between them they cannot settle a difference in regard to the bond, the matter becomes a matter for the law. Government has appointed civil courts to deal with this very matter and Government should ordinarily be the last to encourage the repudiation of an obligation or remove such a matter from the jurisdiction of its courts. That, Sir, is the first impression on reading this Bill. Another first impression is that to undertake to conciliate the debts of the peasantry of Bengal is an enormous task. Something may be done by voluntary boards, but some of the boards with special powers will certainly have to be stipendiary boards or at least will have to have Government servants as Chairmen. A newly-constituted board in its first enthusiasm may do and probably will do a great deal of good, but after the first enthusiasm has gone, such a board may begin to play tricks, or the people play tricks with it. Surely, in that case, a great deal more harm than good will be done. The conclusions from this are firstly, that this procedure should not be allowed to continue permanently, that you cannot depend on these boards to go on for a long time as well as they began; and, secondly, that a great deal of supervision will be necessary and supervision will be expensive. Moreover, Government will certainly lose a good deal of court-fees which would otherwise have gone to the civil courts. These, Sir, are my first impressions.

In the Statement of Objects and Reasons there is indication that the Bill is introduced because of the emergency that has arisen through the depression which has come upon us. But I was disappointed to find that the Hon'ble Member in his speech made little or no reference

to this point. He spoke of this legislation as if he meant it to be a permanent piece of legislation, and so it has been drafted. I can understand, Sir, that an emergency has arisen. I can believe that a cultivator, say in 1928, borrowed money which in the circumstances then prevailing he foresaw that he would be able to pay back gradually. But the slump came, he cannot find the interest as it falls due and his debt has gone on increasing till he finds that there is no hope for him to be able to liquidate it; and the *mahajan*, who at the time he lent the money saw to it that he lent no more than in the circumstances he expected that the cultivator would be able to pay back, now finds that he overestimated the cultivator's credit, that the bond is worth nothing like its face value and he too would be willing to hedge. I can understand that an emergency has arisen and in the face of it both the creditor and the debtor would welcome a settlement. But don't give your sympathies entirely to the debtor. The *mahajan* and the debtor are usually co-villagers and have been good friends in the past. The *mahajan* is in fact a necessary cog in the machine of village economy, and if anything, he has probably been worse hit than the debtor by the slump. The debtor has still got his land, though he may have lost half his livelihood from it, but the creditor has lost his interest on which he lives and looks like losing his capital too. No, sympathy is not to be given entirely to the debtor.

Sir, we in this group are prepared to support this Bill to a Select Committee, but on this understanding, that it has become necessary only through an emergency and is an emergency measure only. There is, however, no indication in the Bill, not even in the Preamble, that it is emergency legislation. We would, therefore, charge the Select Committee so to alter the face of the Bill, that it becomes what it is really intended to be, legislation to tide over an emergency. One way of doing this would be to make the Bill one of 5 years' duration. But after it became an Act, its progress would be different in different districts and perhaps to put a term to it in that way would not be the best way to achieve the object in view. Another possibility would be to extend it only gradually, as Government is ready to extend it, to different localities, and in each locality have it work for a definite period and after that stop, and allow the civil courts to come into their own again. In this connection, I would like to draw attention to the section which was quoted by the Hon'ble Member: that section, Sir, section 9(2), reads as if the Bill is to go on for ever. Section 9(2) is the section which says that if an application made by a debtor has been disposed of, the board shall not entertain any further application from such debtor within two years of the date of the disposal of the first application. I would say very definitely when a cultivator has had his award once, he should never be allowed to come up again. Perhaps that is the best way of putting a term to the work of the boards

I do not wish, Sir, to go into the details of the Bill, but I would like to refer just for one moment to its scope. From my experience, Sir, when I helped with enquiries into rural indebtedness years ago, in connection with the Faridpur and Dacca settlements, I found—and probably these boards also will find—that in the majority of cases there is one debtor and one *mahajan*. These cases are simple to deal with and the boards will be able to dispose of a great number of them with little waste of time and energy and without hurting anybody.

It is with such cases that they can do a maximum of good with the greatest expedition. When we consider extending their work to more complicated cases we should do well to stop at the very first convenient stopping place we come to.

Sir, the scope of the Bill is limited by two definitions in section 2—definition of "debt" and definition of "debtor." The definition of "debt" excludes certain liabilities which are not to be debts under this Act, and the definition of a "debtor" limits him to a debtor whose "primary means of livelihood is agriculture, whether he cultivates with his own hands or not." Now, Sir, we want to limit the scope of the Bill so that it deals only with debtors of the agricultural classes: we do not want to have it complicated so as to include anyone who besides being an agriculturist has for example also got a shop or is a tenure-holder. I can see that to include only persons who cultivate with their own hands would lead to difficulty for it would exclude the widow and the minor who have inherited a holding but cannot cultivate it themselves. Such persons are very likely to have debts with which a conciliation board should deal, and it is therefore not a good plan to make the debtor only a person who cultivates with his own hands. To say he should be a person of the cultivating class will not be a suitable expression to use in a piece of legislation, but I consider it would be useful to insist on his being a *raiyat* or under-*raiyat* according to the Tenancy Act and would suggest that he should be defined not only as he is defined in the present Bill, but with the addition that he shall be also a *raiyat* or under-*raiyat* according to the Tenancy Act. I would also suggest that the Select Committee make a provision that when a board finds that a debtor has considerable liabilities which are not debts under this Act, it should drop the case. I make these suggestions with a view to have the boards concentrate on the straightforward easy cases which are also the cases which we most want them to tackle.

Sir, there is just one other point. I said just now that the commonest case and the easiest case is the case of one creditor and one debtor; but even then, there will be a third party, the landlord. My friend, the Raja Sahib of Nashipur, is I think preparing to give me a black look, but this time it is not necessary for him to do so, for I am speaking on the landlords' side. According to law, rent is a first charge

on every holding. In section 19(2) of the Bill, to which the Hon'ble Member also referred—that is the section which provides that when there is compulsion by a board rent shall not be reduced without the landlord's consent—there is evidence that the intention is that rent shall be treated a little bit differently from other debts. But, Sir, it looks to me very much as if section 19(2) was put in as an after-thought, and I am not at all sure that landlords will get fair consideration at the hands of the boards. Rent should not be put on a par with other debts. Rents are low especially in Eastern Bengal, far below the level of the economic or competitive rent, and because the *mahajan* agrees to take 50 per cent. of his claim, the board should not suggest to the landlord that he should be satisfied with 50 per cent. of his rent. That would not, I consider, be giving the landlord fair treatment. I would not bar the landlord from compounding, though I would remind you, Sir, that the landlord will not usually be there in person, and he usually does not sufficiently trust his *amlas* to give them authority to compound for him. But settlement of debt between a debtor and a creditor and settlement of debt between a landlord and a tenant should be kept quite separate.

(At this stage the member having reached the time-limit was allowed to finish his remark.)

We must have no individious comparisons made between the two cases.

Sir, there is no other point for me to press, but I would recommend to the Select Committee that they should frame this legislation in such a way that it definitely becomes on the face of it emergency legislation, that they should attempt to limit its scope only to the debts of persons who are of the cultivating class and to see that the landlord receives such consideration as he deserves.

Rai Bahadur AKSHOY KUMAR SEN: Sir, I am in favour of the motion for circulation of this Bill on the following grounds: The provisions which have been made in the Bill are objectionable—first of all, the jurisdiction of the civil courts are going to be ousted on the ground, as has been said by the Hon'ble Member, that under the existing law the civil courts cannot give relief to these debtors who are mainly agriculturists. This Bill intends to give a go-bye to the law of contract and it relies on the law of limitation which will not be affected thereby. Further, it will be found that even arrears of rent have been included in this Bill. The Board which will be constituted under this Bill when passed into law shall have authority to entertain cases of arrears of rent also. But there is provision in clause 19((2) that no arrears of rent can be reduced except on an amicable settlement between the parties, viz., the landlord and the tenant. But the thing is that the landlord is a person whose claim for arrears of rent is going to be time-barred. He must

sue and he would not wait to see whether the tenant applies to the board constituted under this Bill including the arrears of rent in his application. Then, if the landlord sues for arrears of rent and a few days after the tenant also applies under the provision of this Bill and includes his arrears of rent in his application, then in that case what will be done? Nothing can be found within the four corners of this Bill. There will be co-ordinate jurisdiction as regards the arrears of rent. The tenant-debtor will include his arrears of rent in his application before the board and the landlord will ordinarily file his rent suit in the civil court. Then two courts will have co-extensive jurisdiction—the arbitration board and the civil court—but under section 19(2) there is a safeguard that the board will not be able to give a decree for a reduced rent unless there is an amicable settlement, but the thing is that there is no bar under the provisions of this Bill preventing the landlord from suing the tenant for arrears of rent in a civil court.

Then, Sir, another point is, as has been argued by my hon'ble friend Babu Suk Lal Nag, that the Bill is a one-sided measure only because the agriculturists have been considered, but the case of the creditors, who may also be borrowers, has not been considered. If this one-sided Bill is enforced, then there will be great enmity between the creditors and the debtors who have so long been living peacefully and amicably. Under the provisions of this Bill the agriculturists will not be required to pay anything at the choice of the creditors, and they will not be sued in the civil courts. If they place it before a board, the matter will drag on for some time, and they will not have to pay up immediately. So there will be a great division made between these two sections, viz., the agriculturists and the creditors. Another fact which has already been mentioned before you, Sir, is that there are at present not a sufficient number of cases even in a civil court, and most of the civil courts, that is, the *munsifs*, will have to be abolished. Lawless laws will come into force. There is no harm if the agriculturists' interests are looked into, but my submission is that the interests of other persons which are at stake should also be looked into. I submit that the interest of all communities, all sects, all parties and all subjects of His Majesty should be looked into by the Government and not merely the interests of the agriculturists. Sir, there are the landlords who have to pay their revenue according to the Sunset laws, and if arrears of rent are allowed to be paid in long instalments, the landlords will not be able to pay their revenue. Under the Revenue law which has not been revised, the landlord shall have to pay down his revenue on a certain date before the sun sets, otherwise his estate will be sold for arrears of rent. I submit, therefore, to the Hon'ble Member in charge that he will consider all these things.

Sir, Mr. Thompson has very rightly observed that the jurisdiction of a civil court should not be taken away so very easily as is proposed to

be done by the provisions of this Bill. Sir, the agriculturists have contracted debts for the purpose of purchasing tools and implements for their husbandry work and also for purchasing seeds and other things required for their cultivation, and the persons who lend them the money are going to be blamed and not the agriculturists who have borrowed. It is a matter for consideration who are to be blamed for these debts. Why did the prices of agricultural products drop? Was it due to anything on the part of the money-lenders or to anything else? So my submission is that Government should establish banks for the purpose of giving loans without any interest or at a low rate of interest in order to ameliorate the condition of these people. Moreover, Sir, I submit that if the Government intends to bring into force all the provisions of this Bill, let all these matters be left to the civil courts as we have got trained officers presiding over these courts, and I do not see the necessity for constituting a board for this purpose. I submit all these considerations before the Government, and these cannot be considered at this stage. My opinion is that the Bill should be circulated for the purpose of eliciting public opinion thereon.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I see that since the introduction of this Bill there has been a lot of misapprehension in the minds of members of this House. My friend, Mr. Thompson, is under the impression that when this Bill is passed into an Act the civil court will cease to exist and this opinion seems to be shared by almost all the members belonging to the legal profession who are members of this House. (A VOICE: How do you know?) Sir, as far as I have read the law, so long there had been provisions for a creditor to go to the civil court. A creditor with money goes to the civil court for adjudication of his claim by a certain date. Under this Bill it will not prevent any creditor to go to the civil court, but a debtor will have to approach the board which is to be constituted under this proposed Bill. So the creditor has been given sufficient time to approach the civil court to get his claim decreed there; but here the poor debtor has been given certain facilities of getting a settlement of his debt by the board. No jurisdiction of the civil court, I believe, is being taken away. It is only when a debtor approaches the board which the Government wants to constitute under the provisions of this Bill that the matter will be settled between the debtor and the creditor. So I will ask my hon'ble friend, Mr. Thompson, whether the debtor had any such relief given to him in the civil court. So when any emergency legislation is being proposed for giving relief to the debtors and when the Government thinks—and rightly thinks—that the time has come when the debtors should be relieved of their anxiety about the debts and they should be given certain protection, I think it will only be right and proper for those who take a wider view of things to give their support to the Government. One of the most

salient facts which have been placed before the House and presented in this Bill, and of which I greatly approve, is the protection proposed to be given to a debtor's home and his small land which he will be able to enjoy for the purpose of maintaining his family. Section 21, or whatever it may be I cannot say, probably says that if it so happens that a debtor cannot pay his debt within 20 years, he will be declared an insolvent and then his house and his small holding that he possesses and which is necessary for the maintenance of his family will be considered as protected. The country long required a provision like this in the existing law. You know how hundreds of agriculturists' families have been deprived of their hearths and homes and how agriculturists have been reduced to the position of labourers in the course of the last hundred years or so on account of the present law. Now when I find that the peasantry will be protected and their hearths and homes and the small holdings necessary for the maintenance of their families will be protected and the men will be saved from eviction, I think a great boon will be conferred upon the country. My friend has quoted Mr. Nalini Ranjan Sarkar and others who are considered as authority on the point. I would rather say that the "bold peasantry—the country's pride—if once destroyed could never be revived." This poetry has been quoted by many of my friends everywhere. So when the whole peasantry is going to be protected from eviction on account of debt, is it not right and proper for us to say that a boon has been conferred on the country, and when this boon has been actually granted, the hearths and homes of the poor villagers will be protected? The country will be more peaceful and those who are now struggling to earn their living from other sources will go back to the land of their forefathers and will till the soil and will be happy and contented. The Government and everybody interested in the economic advancement of the country have been advising people to go back to their homes, to go back to the villages. I think, after what has been said by all the leaders of thought, if a proposal like this comes from the Government Bench to allow a safe hearth and home to the villager, it is a right thing to adopt. When such a nice provision is there, I jumped to the conclusion that this Bill ought to be passed and as quickly as possible. The only difficulty that the people may experience, as my other friends have said, is in finding the money for paying off even part of their debts which may be awarded by the court. The difficulty is this—the people have got absolutely nothing to rely upon. Now if you say that at least a part of the debt must be paid, I think Government should provide the money either through the land mortgage banks or through some other sources, because it is easier for Government to find the money than for others. The *mahajans* will welcome a little money that may come into their hands because at present they are getting nothing. My friend, Mr. Hassan Ali, pointed out that this is a Bill for the benefit of the *mahajans*, and he is right to a certain extent, because the *mahajans*

who are getting nothing now will get at least a part of their money back. Under the circumstances, when something ought to be done to give relief to the agricultural population of Bengal on whom we all rely, it is but meet and proper that we should give our wholehearted support to the measure and send the Bill to the Select Committee where the Bill may be thoroughly discussed and improved, and I do not think the Bill should be circulated for eliciting public opinion thereon, as that would mean delay. With these words I oppose the motion for circulation and support the motion for referring the Bill to the Select Committee.

Mr. NARENDRA KUMAR BASU: I find that if this Bill has done any good up to now it has spread the spirit of poetry. The Hon'ble Khwaja Sir Nazimuddin, as is usual with him in these life-giving and life-saving motions, has gone into rhapsodies over the future of the Bengal peasantry after his Bill is enacted and that example has caught on and the spirit has got into what I would have otherwise considered to be the very practical tea-planting brains of Nawab Musharruf Hosain. Sir, I am very glad that the Nawab Sahib has quoted Oliver Goldsmith, because since I heard the Hon'ble Khwaja Sir Nazimuddin's speech I was just thinking whether in the absence of any other first name—I would not say Christian name—the name of Oliver could not be bestowed on Khwaja Sir Nazimuddin. He is like two Olivers—of history and of fiction. One is Oliver Twist of immortal memory who is always asking for more, and in this case the Hon'ble Member is always asking for more and more Bills, not pills, like those of Holloway to solve the problem of Bengal in all its aspects, and in the other case the Oliver of history or rather of poetry. I was thinking of Oliver Goldsmith and of his epitaph "*Nihil tetigit non ornavit*!" Khwaja Sir Nazimuddin has not touched anything which he has not adorned up till now. I will not repeat what I said during the introduction of the Bengal Development Bill. I will not remind him of the history of the measures that he has introduced in the past; but I must say that his enthusiasm is admirable. He always thinks that the particular panacea that he is producing at any particular time before the Bengal Legislative Council is worth any number of Beecham's pills. That the particular Bill that he is fathering at any time will be the salvation of Bengal. Well, Sir, granting for one moment that his Bills will save Bengal, why is he in such a hurry to have this Bill rushed through the Select Committee and through this House? Is he not aware, Sir, that the present Bill was rather conceived in haste? Is he not aware, as was hinted by the last speaker, that this Bill presupposes that the agricultural debtor is capable of paying some portion of his debt? If that be the fact and if the agricultural debtor were capable of paying a portion of his debt, would he be in arrears with his rent? Has not the agriculturist been unable to pay his rent for years and years now? Will the panacea that

is prescribed by Khwaja Sir Nazimuddin let him pay a portion of his debt and a portion of his rent, and then let him be saved under the terms of this Bill? I submit, Sir, this is not a correct exposition of the present state of the agricultural debtor. The Hon'ble Member has himself told us this afternoon that the magnitude of the agricultural debt in Bengal is tremendous—over a hundred crores. What portion of that can the poor agriculturists pay to-day in addition to rent? Again, as has been pointed out by Mr. Thompson, what is the *mahajan* to do? Is he to lose all but 5 per cent. of his capital? Is he to lose his livelihood? Next time we shall have to have a Bill to protect the *mahajan*. To-morrow we will have a Bill to protect the landlord in the shape of the Court of Wards Amendment Bill. We are to-day thinking of a moratorium so far as the agricultural debtor is concerned; to-morrow Sir B. L. Mitter will ask for a moratorium regarding the landlords who are unable to manage their estates by an amendment of the Court of Wards Act. Where are we to stop if there is a moratorium all round? Where is the economic fabric of Bengal going to stand? There are various things in this Bill which are open to objection not only from the money-lender's point of view, but also from the point of view of the agriculturists themselves. Mr. Thompson was speaking of the simplest of cases of one creditor and one debtor. But, Sir, what about a case of more than one creditor and of more than one debtor? On a joint bond, one of whom is dishonest and others are not, or one of whom is honest and others dishonest? There are various things in this Bill which go to support my submission that it is a hasty and ill-conceived measure and, after all, what is the difficulty in circulating it for eliciting public opinion? I know that the principle of the present Government has been for some time not to circulate these Bills. They are worse from that point of view than Taxation Bills which, we are told, it is not usual to circulate. The Government knows that it can get any measure passed through this Council if they only so choose. But why have this farce of a Select Committee? We had a Select Committee on the Bengal Development Bill. The Bill was not circulated: it was sent to a Select Committee. Drastic changes were made in the Select Committee and the Bill was, if I may say so, absolutely rewritten by the Select Committee. When it comes back to this Council, Government—I do not know under what influence or under what conditions—again reviews the findings of the Select Committee and passes it through this House, with the result that the Bill which is now an Act has as much resemblance to the Bill drafted by the Select Committee as that Bill had to the original Bill. Therefore, I submit that if Government is determined to pass this Bill in whatever manner it chooses, to pass it without thinking of the consequences upon all sections of the people, I submit that it is as much good to pass it through the Select Committee as to extend the present Session of the Council by a couple of days and pass it outright during this Session. I would make a present of that

suggestion to the Hon'ble Member: that would certainly be more expeditious, and it will carry out the Government's wishes better. But does it not look rather awkward for Government to take recourse to such measures as they did take to during the discussions on the Bengal Development Bill? That ought not to be repeated. Let us rather have a straightforward passing of the Bill by a majority of votes by Government pressure. What is the use of having this Bill sent to a Select Committee emerging therefrom probably mutilated, chopped and transformed in appearance, and then Government's coming back with amendments on every section and clause of the Bill and having it passed in their own way? It is certainly, as I said, more expeditious and cheaper to pass this Bill now than to go through the whole gamut again of a Select Committee. I, therefore, say that, if Government is not inclined to accept the suggestion that they should have the Bill passed in this Session, it is better that they should circulate the Bill for public opinion.

Mr. B. C. CHATTERJEE: There is a very old saying of Sir Henry Maine that progress denotes a movement from status to contract, and it is rather a curious commentary on the present piece of legislation that on the eve of democracy Bengal is being invited to pass a measure which aims a shattering blow at the freedom of contract. Would one think such a measure is at all consistent with the democratic *regime* which is going to be introduced? I have little time to enlarge on this particular topic, and leave it to the House to judge. I would, however, appeal to Hon'ble Member in charge of the Bill to pause and consider whether he could not accede to the request of this House to let the Bill be circulated. Sir, he is uprooting the whole scheme of village economy which has obtained here ever since the introduction of British rule, and is perhaps more ancient than British rule itself. Surely, he cannot be in such a desperate hurry as not to allow it to be circulated, seeing that it is for two months, that is, up to November, when the opinions may be expected. I have no doubt that the Hon'ble Member is inspired by the highest of motives, that he is all for doing good to his countrymen by getting this Bill through. But since we are governed by a system of Government by discussion and not by dictation, would he not allow a little of the spirit of discussion to prevail which would permit his countrymen to give their opinion on a measure of such great importance before it is passed into law? I have not heard from the Member in charge how he will supply the agriculturists of Bengal with money if his scheme wipes out the present system whereby they get their money. If the moneylenders find themselves unable to lend money to the agriculturists of Bengal under the new system which he wishes to inaugurate, has the Hon'ble Member thought of an alternative source of supply of money to them? Surely, that must be a condition precedent to his placing

such a measure before the House, since it is going to uproot the old system whereby money has been made available to the people of this country for these 200 years or more? Has he got cheap money in his pocket, and will he kindly tell us where this cheap money shall come from which will take the place of the dear money which at present is supplied by money-lenders?

There is another very serious question, Sir. He is going to leave the decision of these differences between the money-lender and the debtor to a number of boards whose members will be far from competent to tackle the issues that will arise before them. This proposal does presuppose a considerable amount of education on the part of those who will sit on these boards. Who will sit on these boards, and who will decide that question? Will they be men in whom the country has even a fraction of the confidence that we have learnt to place in the civil courts of the country? If I were given the choice of having to go to such a board or to a *munsif's* court, I would certainly go to the latter. After all, Sir, trained ability is required for giving decisions on the various issues that will be bound to arise when the differences are considered between the two parties. I am not suggesting that I must be right in what I am saying; I may be all wrong, and the Hon'ble Member may be all right, but I do ask him to give in to the spirit of democracy. Not long ago he was a Minister, and as Minister he was a servant of democracy; and although he has now been whisked off into a position where democracy is yet taboo, surely, he cannot have so forgotten the little democratic tradition he had acquired as Minister as to say to himself: "Well, I will not listen to anyone's argument. I will not send the Bill for circulation in order that public opinion may be obtained thereon; I will decide for myself with the aid of the men at my beck and call what should be done."

Lastly, the points that Mr. Thompson made a little while ago have given us furiously to think: he has raised such a number of questions that in my submission they could not be decided within the little time that the Hon'ble Member is giving this House and his countrymen for their decision. Therefore, I appeal to him with all the earnestness and humility that is in me that he will on this occasion listen to us, and let the Bill be circulated.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I regret very much that my friend Mr. Narendra Kumar Basu has chosen to launch an attack on the Hon'ble Member in charge of the Bill particularly with regard to his optimism and enthusiasm in trying, according to his own lights, to redress some of the many sufferings from which the people of this country suffer. Optimistic perhaps he is: but that is the optimism of youth, and I may say of a good conscience. But

whether that optimism is justified or not will be seen from the results of this Bill. At the present moment I do not think that a man of his age and mine has any right to say that this optimism is not justified, or nullify it by pessimism, which is the privilege of age. This particular Bill, Sir, I may observe, has not been conceived in haste. For several years everyone who has the good of the tenantry at heart has been crying for some relief of indebtedness of the Bengal peasantry. In all the Proja Conferences this question of indebtedness has loomed large and various suggestions were made at every such conference—some of them were practical, others theoretical, and others again absolutely unthinkable; yet everybody was wholeheartedly anxious to have some sort of measure which would relieve the indebtedness of the peasantry, if not altogether, at least to some extent. I may mention here that in my speech at the Sirajganj Conference I first made a suggestion about the moratorium of debts, and my friend the Hon'ble Member now in charge of this Bill said in a subsequent meeting at which he presided, that he did not believe in moratorium and my suggestion was at that time made fun of by many of his colleagues. I am very much gratified now to find that the suggestion I then made is gradually gaining ground and that wisdom is being forced even upon the Hon'ble Members of the Government. Sir, the picture of the wretched condition of the Bengal peasantry drawn by the Hon'ble Member is not at all overdrawn; rather everybody who lives among them, who has moved among them and who has been with them, knows that it is much worse than even what he has drawn. We have been crying, as I have said, for some measure which would relieve their sufferings, and now that a measure of this description has been introduced in this Council we cavil at it. I submit, Sir, that this is a measure which probably does not give satisfaction to all of us; it is a measure which I do not myself consider sufficiently bold or sufficiently radical to give that amount of relief which we all wish, but Government constituted as it is now has to be cautious. Government from their very constitution have to proceed cautiously and this is, I think, a very very cautious measure. It is not an emergent measure as Mr. Thompson thinks it to be. I call it an experimental measure. Let us proceed slowly and see whether the arbitration board which will be more or less advisory in character and will try to bring about amicable settlements succeeds in doing so before we give them more power to deal with indebtedness. We have seen the success which the board at Chandpur has achieved to a great extent; and if the Chandpur board has succeeded to a great extent, we do not see why such a board should not succeed in other places. Therefore, Sir, I would not decry the Bill in the same tone as some members have done, although I personally think that the Bill which was drafted by the Board of Economic Enquiry was much more satisfactory than the Bill we have before us.

Sir, Mr. Thompson has said that we should not have sympathy only for the debtors. There is nothing in this measure which shows that the sympathy is shown to the debtors only. It is equally both in the interests of the debtors as well as the creditors. As a matter of fact, as has been explained by the Hon'ble Member in his speech, the salutary result of the amicable settlements which the Board at Chandpur brought about was welcomed by the creditors also. The action of the board was in the same degree welcomed by the debtors. Therefore, it is not fair to say that the creditors are to be let in any way by this measure.

Sir, as regards the suggestion that the Bill should be for a period of five years only, I think it is open to very serious objection, because as I have said it is an experimental measure and a period of five years is not enough to make up our minds as to whether the Bill is satisfactory or not. Moreover, the awards of the conciliation board will in some cases run for more than five years before they are fully paid up, and so I think this Bill should remain in force at least for such time as within which a very large number of debts which come within this measure are satisfied. I do not think there is any point in the suggestion that the Bill should be in operation for only five years.

Sir, as regards the motion for circulation, I submit that no case has been made out why this Bill should be circulated for public opinion. It is not a measure which has been sprung on us as a surprise: we have been talking about it for the last three or four years. The Report of the Economic Board has been before the public for nearly a year, and the suggestions made in the Bill form only a part of the Bill which was drafted by the Economic Board. So, it cannot be said that the public have been unaware of the existence of this measure. I do not think, therefore, that except for delaying the measure for which we are all very anxious, circulation for public opinion will do any good.

Sir, Mr. Thompson has suggested some change in the definition of "debt." I am not in agreement with him in regard to the suggestion he has made, but that is a matter for the Select Committee to decide, and I do not think that this is the place where I should dilate on that point. I think that on the whole it is worth trying what effect this Bill will have on the question which is uppermost in everybody's mind. I feel, Sir, that this is only a very small dose for the disease from which we are suffering. Though it will hardly radically cure the disease, at any rate it may alleviate the pain to a certain extent and that is certainly worth trying. With these words I support the motion for reference of the Bill to Select Committee and oppose the motion for circulation.

Maulvi ABUL QUASEM: Mr. President, Sir, I rise to support the motion for reference of the Bill to Select Committee and oppose the motions for circulation. I have in my hands a copy of the Supplement to the *Calcutta Gazette*, dated the 24th January, 1935. A notification of the Government over the signature of Mr. Martin was published. It is numbered 1142 L.R., dated the 18th January, 1935, and it is to the following effect:—

"The following Report of the Bengal Board of Economic Enquiry together with connected papers is published for general information. Any public bodies or individuals who desire to make any representation regarding any of the recommendations should submit them to the Secretary, Revenue Department, on or before the 16th March, 1935."

Here, Sir, is a direct invitation to the public to put forward their suggestions with regard to the recommendations of the Board of Economic Enquiry which submitted its Report as also a Draft Bill. If the public have not cared to avail themselves of the opportunity offered of criticising the provisions of the Draft Bill or the recommendations of the Board of Economic Enquiry, Government cannot certainly be blamed for that. I cannot understand why this request for circulating this Bill for the purpose of eliciting public opinion thereon should be pressed so much. The Draft Bill as well as the recommendations were before the public for close upon eight months and if during this period the public have not cared to avail themselves of the opportunity offered, what guarantee is there that they will suddenly feel an awakened interest in the Bill which has been introduced in this Council and in the course of three or four months will formulate and put forward their opinions on it? That is the first point, Sir.

Sir, I next come to deal with certain specific questions which have been raised by previous speakers. I take Mr. Thompson first. Mr. Thompson's heart yearns for the *zemindars*, the *mahajans* and all other classes, except the *raiyats* in whose interest the Bill is designed primarily. Mr. Thompson made one statement which is to the following effect—that the rent of the Bengal peasant is very low. He was, I understand, a Collector for several years and also a Settlement Officer. I think he ought to know, if anyone is expected to know, that the revenue payable by the *zemindars* in Bengal is almost nil as compared with the rent paid by the *raiyats*. Except perhaps in a particular district in Western Bengal, I believe the revenue which is paid by the *zemindars* is practically nil as compared with the rent they exact from their *raiyats*. Mr. Thompson had nothing to say about the lowness of the revenue that is paid by the *zemindars*.

Mr. PRESIDENT: This question does not arise, and you need not go into that.

Maulvi ABUL QUASEM: Sir, I submit that as Mr. Thompson has stated that the rent paid by the *raiyats* is very low, I have every right to say that the revenue is also low.

Mr. PRESIDENT: There is a distinct provision in the Bill which gives the board discretion to reduce rent if need be; on that question Mr. Thompson advanced the argument that there should not be any such provision; but that argument was used quite independent of the question of revenue paid by the *zemindars*, be it high or low.

Maulvi ABUL QUASEM: Sir, Mr. Thompson made a definite statement that the rent of the *raiyats* is low. I only wanted to give a definite reply that the revenue paid by the *zemindars* is also low.

Mr. PRESIDENT: But you forget that neither the provision in the Bill under review, nor Mr. Thompson's argument referred to by you, were based on revenue payable by *zemindars*.

Maulvi ABUL QUASEM: All right, Sir. Mr. Thompson spoke of the sanctity of obligations. Obligations are to be enforced between people who are on an equal footing, of the same strength. Here we have the Bengal peasants steeped in the darkness of ignorance and weaknesses of all character and the money-lenders who are strong exact as much out of them as they can. One is in a very weak position and the other is in a commanding and dominating position. Obligations which are equitable are enforced between people who are almost equal. Mr. Thompson, however, had nothing to say on that point.

I now come to Mr. B. C. Chatterjee who is an eminent lawyer of long standing and is at present engaged in conducting a sensational case. I believe, Sir, he has never cared to look at a particular Act of the Bengal Legislature, viz., the Bengal Tenancy Act, Bengal Act VIII of 1885. He has said that man progresses from status to contract; here we are having progress backwards; that was his implication. I would ask Mr. B. C. Chatterjee what is the basic principle of the Bengal Tenancy Act? If he had cared to look into it he would have seen that certain valued rights are conferred upon the Bengal *raiyat*; and that the Legislature has taken good care to see that the tenant does not contract himself out of those rights. There is a definite limitation placed on his contractual powers. The Legislature has said: "I have given you certain rights, and for nothing in the world shall you be allowed to contract yourself out

of those rights." In 1885 this Legislature definitely propounded a principle whereby on the right of contract was placed a definite limitation and check. Now, about 50 years after, Mr. B. C. Chatterjee says that we are having progress backwards because instead of progress from status to contract we are going to curtail freedom of contract by relying upon the principles which are adumbrated in the Bill brought forward by the Hon'ble Member in charge. One thing, Sir, has to be remembered and that is that the Bengal peasant has been admittedly found not to be in a position to take care of his own interests, and legislation has supplied the deficiency. Just as an infant, a lunatic and a *purdanashin* woman in this country have been regarded as very weak and not able to look after their interests and special protection has been given to them, so a Bengal peasant has been considered to need special protection. (MR. B. C. CHATTERJEE: This is not democracy.) What do you mean by democracy? I do not understand democracy, or aristocracy, or plutocracy. Take another piece of legislation. What is your insolvency law? A man contracts a debt—an obligation. I ask Mr. Thompson, who as a businessman ought to know of the Act as mercantile and tradespeople take greater advantage of the insolvency law than any other people, what is this insolvency law after all? A man solemnly enters into an obligation by incurring a debt and when he finds that he cannot pay off his debts he goes and tells the Insolvency Court: "Sir, here is the amount of my debt which I cannot pay, and I therefore want the protection of the insolvency law as otherwise I shall be sent to civil prison, and I shall be dealt with harshly in other ways by my creditors." What does the court do in giving him the protection prayed for? It puts a limitation or check upon contract. Does Mr. Chatterjee and those of his way of thinking realise that?

Mr. B. C. CHATTERJEE: I did not develop that argument and you need not expatiate on it.

Maulvi ABUL QUASEM: I shall come to everything in its turn. Mr. Thompson also spoke of the undesirability of curtailing the powers of the civil court. He was a Settlement Officer. What was the settlement of fair and equitable rent which he had to carry out? Was not that curtailing the power of the civil court? Does not the Legislature in the Bengal Tenancy Act provide for settlement work as a very important one and does not that take away the power of the civil court? I do not understand Mr. Thompson speaking in that strain. Well, Sir, that is also the reply I give to Rai Bahadur Akshoy Kumar Sen who also talked of the sanctity of contract and the undesirability of cutting down jurisdiction of the civil court. The sad fact that we have to face is that the Bengal peasant is

weighed down, day in and day out, with a burden which he cannot bear. I ask, If the Bengal peasant dies, who lives in Bengal? On the Bengal peasant's prosperity depends the prosperity of the people of the whole province. Mark the distress of the peasantry of Bengal, and because the Bengal peasants suffer, every other class, every profession, also suffers. Unless the Bengal peasantry is placed on a sound, economic footing no one in Bengal can hope to prosper. I do believe that Government in bringing forward this Bill have moved in the right direction. But I agree with Khan Bahadur Abdul Momin that Government proposals are not strong and bold enough; they should have gone further than that.

(The Council then adjourned for 15 minutes.)

(After Adjournment.)

Maulvi ABUL QUASEM: Then it was suggested by Mr. Thompson that as the Bill arose out of a temporary emergency the Bill should be of a temporary nature. I cannot understand that. If there is an emergency, the emergency has been very long standing. The indebtedness of the rural population of Bengal has become almost as chronic as the malaria with which their body is afflicted. I do not think that the Act should be of a temporary character. On the contrary, the Act should be of a permanent character, because the indebtedness of the rural population has got to be faced—a permanent feature of the rural life of Bengal. Exception has been taken to this Bill because supposedly it looks only to the interest of the cultivators. I think those who have read the Bill will agree that that view is entirely wrong. The principle of this Bill is voluntary settlement. The creditors will be heard and their objections taken into consideration. If they are not willing to have a settlement, no settlement will be thrust upon them. Every interest will be taken into consideration. When I said that Government proposals were not strong enough, I meant that Government were too solicitous about satisfying every vested interest and they did not go far enough in the interest of the cultivators. If all the provisions that have been embodied in this Bill are taken into consideration, it will be found that the voluntary character of settlement is the main principle. The debtor will welcome such creditors as will agree to an amicable settlement, and they will pay to the best of their ability. One thing has been forgotten and it is this, that the Bengal peasant—I am speaking from knowledge of my own community—is not dishonest. When he is in prosperity he meets all his obligations. But when he is in distress, as he is now, he is forced to make default and it is sad to see that no one is thinking of coming to his rescue. If the Bengal Muslim peasant is prosperous, he will pay every pie of his debts to his money-lenders. It is well known that the money-lenders try to exact more

than their legitimate dues. There is one other thing that has got to be taken into consideration. It has been said that only in the interest of the Bengal peasants this special law and special privilege are being forged. If the Bengal *zemindar* is in the ebb-tide of his fortune or, as more often is the case, if he on account of his incompetence, mismanagement and extravagance, finds his affairs in a mess, he can have the court of wards to manage his estate. Cannot the Bengal *raiyat* ask the Government to provide a machinery in the shape of a debt conciliation board to enable him to arrive at some amicable settlement of his debt with his creditor, the debt, which, due to circumstances over which he has no control, he is not in a position to pay off all at once? Therefore, I hope and trust that those who profess to have the interest of the cultivators at heart will support the reference of the Bill to the Select Committee.

Dr. NARESH CHANDRA SEN GUPTA: Much has been said about this Bill. The old and time-worn legal epigrams and extinct doctrines have been trotted out against this Bill which we have not complied with. Years ago Sir Henry Maine said that civilisation had advanced from status to contract. If Sir Henry Maine lived to-day he would have had to eat his words—all the world was going back on contract. We have been told a lot about democracy and that democracy is against interfering with the freedom of contract. The greatest exponent of modern democracy, Russia, has made a short work of capitalists' contracts. It is too late in the day to say that contract must be above interference. The contract of the capitalist can be broken. He can be helped out of it by the insolvency law. Companies when they get into trouble can be saved by section 153, but the poor peasant cannot be helped out of the difficulty in which he finds himself. This is democracy with a vengeance! What does this Bill aim at? It does not aim at all that it should aim at. But it makes some slight attempt to achieve what everybody should desire to achieve—a determination on a just and equitable basis of claims between debtors and creditors with supreme regard to the paramount right to live. That is above every other right. The sanctity of life is above the sanctity of every other thing, and it is the sanctity of the life of the peasants who are the backbone of the life of the society that is going to be protected against the harsh terms of the bond. It has been said: What is the hurry, why this haste? My friend Mr. Quasem has shown that there has been no hurry. Those who have studied this question think that the Government has been very slow in making up their minds. This matter has been discussed and discussed threadbare by anybody who took any interest in the economic welfare of the country for years now, from the time of the Banking Enquiry Committee down to the present day, and now we are asked why hurry!

Why is this Bill? Why has it been called for? It is because a great economic stringency has been brought about by the economic crisis which has been with us for the last four years. We have done nothing to give relief to the desperate conditions of economic life of the province. Here we have a Bill which seeks to destroy the atrophy of economic life and put the peasant on his foot and put the trader, the businessmen, the *mahajans*, the lawyers and everybody else in the way of doing honest business. At present with the agriculturist reduced to the utmost state of penury everybody finds starvation staring in his face if he has eyes to see. Things like this cannot go on for ever. The economic life of the province has become ice-bound and some machinery must be found to thaw the ice. This measure is the smallest thing we can do to achieve that end. Sir, it is an emergency measure: it has been brought about by an emergency and the expectation is that when all the debts have been adjusted with reference to the capacity of the debtors to pay, when the economic condition of the agriculturists has been placed in that position when they would be able to stand on their legs, then there would be no further need for this sort of adjustment and the economic life would be restored to its normal condition. Occasions like this often arise in the life of a nation, when drastic rearrangements are necessary and a great deal of the capital of the country has got to be written off. It is done at the present moment without any systematic planning; simply by means of insolvency and windings-up; by means of wars and other disastrous devices. This Bill seeks to arrive at the same conclusion, namely, the elimination of fictitious capital, which has been sitting like the Old Man of the Sea on the economic life of this country, by planning a rational scheme and that is the whole objective of this Bill.

I agree with Mr. Hassan Ali, Khan Bahadur Momin, Rai Bahadur Satya Kinkar Sahana and others that there are other things which have got to be considered. I also agree that this Bill cannot be the last thing in economic readjustment. There is also the question of finding cheap finance, to keep the peasantry alive in future. This question will have to be gone into simultaneously with that, and I hope that Government will think about that also, think of reorganisation, of co-operative credit and other organisations by which it would be possible to run the economic life of the country without the ruinous rates of interest, without the blood-sucking and killing and blackmailing money-lender. Money-lending in the way of business is quite a legitimate business, but can you say that the bulk of money-lending that is done in this country has been run on those lines? Can you say of the bulk of the money-lending that has hitherto been done here that it has succeeded in driving away this blight and curse from among the people? The answer to that you will find in

the Banking Enquiry Committee's Report, in the Report of the Agricultural Commission and in every village, if you only take the trouble to walk out of this city and go about the villages.

Sir, it has been said that the interests of all classes of people should be looked into. No doubt. But the fundamental thing that is necessary to look after is the interests of the *raiyats*. Every other class lives and is made prosperous by the *raiyats'* productions. Make the *raiyat* rich and every other class of people will thrive; try to please him, every other class of people will be saved, but try to starve and ruin him, every other class of people will be ruined too. This fact must be borne in mind when we go to vote on this question.

As I said, Sir, I disagree with some of the provisions of the Bill; for instance, I disagree with the provision with regard to rural insolvency: it does not solve the problem, and if you give effect to it, it will lead more to evil than to good. There are other provisions in the Bill also to which I take exception, but the principle of the Bill is sound. This has been discussed in the valuable Report of the Board of Economic Enquiry; it has been discussed in the columns of newspapers and we have every material before the House with which we can proceed to give the Bill a shape which would be useful to the country. For these reasons I am forced to oppose the motion for circulation supported though it has been by many of my staunchest friends, and to support the motion for reference to a Select Committee.

Mr. P. BANERJI: Sir, in spite of the eloquent speech of Dr. Sen Gupta, I consider that there can be no reasonable objection to Government accepting the motion for circulation. The mover has suggested only two months' time, and as we are meeting again in November or December, we could then discuss this matter. It has also been suggested by member after member that no case for emergency has been made out and Mr. Thompson also is of the same opinion. It has also been contended that immediately after the Bill is passed, the sufferings of the people will be relieved and in the words of Khan Bahadur Momin and Mr. B. C. Chatterjee they will be in affluent circumstances. But, Sir, I could understand the position only if along with this Bill there had been another Bill to the effect that in this dire necessity of the tenants money will be forthcoming for them, and that Government will supply this money for these agriculturists. Otherwise, the results will be disastrous to the countryside. But the Bill as it stands to-day means that instead of giving any relief, there will simply be a great disaster.

Dr. Sen Gupta has opined that this repudiation of debt is being done in the interest of the people and the country. But, Sir, when repudiation of the public debt of India was at one time declared by the Congress,

was not a hue and cry raised against it? Surely, that repudiation also was going to be made in the interest of the people and the country for debts that were not incurred in the true interest of the country. But when the question of repudiation is raised in connection with smaller people, no one objects and why? Because these people cannot raise vociferous protests. Is it fair or reasonable, therefore, that by one stroke of the pen you will repudiate the whole loan given by the money-lenders? It cannot be maintained that public opinion has been sufficiently manifested on this point; rather not at all. Mr. Momin has admitted that this Bill is not the Bill that was drafted by the Board of Economic Enquiry and that there are certain objectionable provisions in it. Therefore, it makes the position of the mover of the circulation motion stronger. I also do not understand why Maulvi Quasem should contend that the Bill should be passed in a hurry. There it stands to reason, as has been so ably remarked by the leader of the Opposition, that this being an emergency legislation, you should pass it here and now even without referring it to Select Committee, and at the time that suggestion was made by the opposition leader certain remarks were passed against them by Mr. Momin, but I fail to understand the hurry of the matter. As has been said also by my leader, many Bills introduced by the Member in charge of this Bill have been lying as dead letters for want of money, and this Bill, too, will be no exception to this; dead letter in the sense that there might be no repudiation and conciliation and consequently no relief, as has been observed even by Dr. Sen Gupta. Dr. Sen Gupta also does not like the idea of a Rural Insolvency Act. Maulvi Quasem has said that while there is a Rural Insolvency Act and so many things for the relief of the commercial people and *zemindars*, why should there not be some Act for the relief of the tenants? But I say that these Acts that now exist can be said to have taken away the morale of the people of the country and have made them dishonest. We, in this country always give preference to moral obligations and not to legal obligations. We both, Hindus and Muhammadans, believe that when a person dies without having paid off his debts, he does not get salvation. That is our belief, Sir, and we have been carrying that belief in our mind even up to the present day. It is said that these Acts have been passed in the interest of a certain class of persons and in the interest of businessmen. But I say, Sir, that these Acts have served no useful purpose, and I consider them to be mischievous and dishonest Acts. And because there are one or two such Acts, does it stand to reason at all that we should have another Act, so that they may stand on a par with the other people in the country? Not at all, Sir. The tenants want relief, at least temporary relief, but will this Bill give them this relief? If by this Act you wash out all the contracts that exist to-day, the result will be that nobody in future will get any loan from the money-lenders and will that be of any benefit to the tenants? Sir, we from this side

of the House have always complained that the tenants have been hard hit, but hard hit by what? Hard hit by the inaction of Government. It is the inaction of Government that has reduced these people to their present wretched plight. It has been contended by some members that if this Bill be passed, the condition of the peasants will be improved and they will become well-to-do. But, Sir, not a bit of it! On the contrary, if you want the peasantry of Bengal to be rich and to place them in affluent circumstances, then the only thing that you ought to do is to raise the prices of food-crops, but that Government is not going to do: they have a policy of sitting on the fence: they will not take any suitable steps in the matter, but if they took any steps, the condition of the peasants would be different. Sir, it is the Government who, by its inaction during the last 150 years of its rule, has brought about the present deplorable condition of the peasantry of this country, and what has made the Government now to come forward with this measure of relief? Sir, this measure is intended to bring to an end the present relationship between the debtor and the creditor in the villages. What will be the result of this? The result will be that they will be deprived of the temporary relief they have been receiving from their co-villagers and neighbours from time to time.

Sir, Dr. Sen Gupta thinks that this relief coming from the reorganised Co-operative Department will be a practical solution of the problem, but we know from our experience of the Co-operative Department that it is the intermediaries who enjoy all the benefits. In spite, therefore, of what Dr. Sen Gupta expects Government to do, what guarantee is there that the reorganised Co-operative Department will make this measure a real success? From past experience we know that this department has been worked in such a way that it may bring disaster not only to the country as a whole but to the people in general, and that, therefore, we can have very little faith in this Government, especially as the Government did never feel for the peasants during its administration of the country for more than 150 years. Had they paid the least attention in this direction, the condition of the tenantry to-day would have been quite different from what it actually is. On the other hand, it is an undeniable fact that the condition of the peasantry was far better in the pre-British days, and it is the British Government who has, by its action or inaction, reduced them to their present abject condition. Therefore, what can the poor tenants expect from this Government? Government has lost nothing by leaving the tenants to their fate during the last 150 years or more, and what harm is there if it waits a few days more by accepting the motion of my friend, Maulvi Hassan Ali, for eliciting public opinion?

Maulvi SYED NAUSHER ALI: Sir, I rise to oppose the motion for circulation, and I am doing so not because I am enamoured of the

provisions of the Bill, but because I am anxious to see the shape in which it emerges out of the Select Committee. I have heard with attention the speeches of my hon'ble friends who have supported the motion for eliciting public opinion, and I feel I am not convinced with the arguments put forward by them. We are all, I hope, agreed to the principles of the Bill; we are all again, I hope, anxious to see that relief to the agriculturists comes immediately in respect of their debts. Bearing these things in mind, I do not think there is any reason or room for anybody in this House in support of the motion for eliciting public opinion.

Sir, this is one of those measures which ought to have been brought in long before, and the charge of hastiness or hurried legislation cannot, I am afraid, apply to a measure of this kind. It is, I submit, rather a belated one. Such measures ought to have been brought in long before in the interests of our peasants, and in the interests of the province itself. It has been stated that this Bill has been introduced in the interests of the agriculturists—I beg to differ from those who have made such a statement. Sir, I think it is not benevolence, it is not generosity, it is not sympathy for the poor cultivators that has ushered this Bill into existence, but it is sheer necessity, absolute necessity, on the part of Government and on the part of the parasites of the country who live on the earnings of the poor cultivators that has ushered the present Bill into existence. Government found it absolutely impossible to carry on; the landlords, the people belonging to the different professions, who have all to depend upon the real producers of the wealth of the country, found it impossible to carry on. When the source of supply for their sustenance and for their luxuries was practically choked, it became an absolute necessity for them to devise some means for their future supply. It is that, and that alone, and nothing else, that compelled the Government and the people, who live on the earnings of these poor men, to usher into existence this Relief of Indebtedness Bill. But, at the same time, I do not for a moment say that this Bill will not bring the least bit of benefit to the poor agriculturists. If this Bill is passed into law, it will temporarily lessen the pressure on the agriculturists, but I must say, at the same time, that this is too mild a remedy prescribed for a disease which is deep-rooted, and which, if not remedied completely, will be a source of danger not only to the people in whose interests it has been stated this Bill has been brought into being—I mean the agriculturists—but it will be a source of veritable danger to the province itself, and as a matter of fact, to India as a whole. It has been stated that as a result of this Bill when put into operation, the debts of the agriculturists will be spread over a number of years, and that they will be in a position to clear off their debts. But I submit most respectfully to all my friends here that this presupposes that the agriculturists have got the capacity to pay off their debts

which is not a statement of fact at all. If you want that the agricu turists must live, if you want that the country should flourish and pro per, you have got to devise first of all the ways and means by which th present indebtedness of the peasantry will be removed, see that they ge sufficient for their food and clothing, and that they are able to suppl your necessities and your luxuries. Until and unless you can do that the present measure will not be worth anything; it will not bring i any good to anybody. If Government is not going to take all thes factors into consideration, I say it is committing a serious blunder. Th present problem of the deplorable economic condition of the cultiva tors of Bengal should engage the most serious consideration of Govern ment until the problem is solved permanently. I for myself am no at all hopeful that this measure will even alleviate to any extent the dis ease for which it has been prescribed as a remedy. It has been stated that this is an emergency measure. I beg respectfully to differ from that. It is not so. If this is called an emergency, I say it is a peren nial emergency, it is a permanent emergency, because it is an admitted fact that the *raiyat* at present cannot earn enough for his maintenance even. If he has not enough for his maintenance, how can he maintain others? Therefore, I submit, Sir, that when this Bill goes to the Select Committee, the Select Committee will carefully consider this aspect of the question and will try to devise means to meet this problem. If this problem is not solved in its entirety, I am afraid, like others, this piece of legislation will be another dead Act on the statute book.

I now wish to say one word with regard to the remark made by my friend Mr. B. C. Chatterjee. He remarked that the conciliation board will not command confidence and will not be above corruption. I am sorry Mr. Chatterjee is not here, but I would ask him and those who have got some experience of law courts to say whether law courts are above corruption. Of course, I do not mean to say that the Judges are corrupt, that is far from me, but it is not always possible to get justice.

Mr. PRESIDENT: I cannot allow you to say that.

Maulvi SYED NAUSHER ALI: It is only by way of comparison that I want to say something. Mr. Chatterjee said that these conciliation boards will not be above corruption——.

Mr. PRESIDENT: I cannot allow you to argue on those lines, and I must ask you to withdraw your most unfortunate remarks about the law courts.

Maulvi SYED NAUSHER ALI: I said, Sir, that even in law courts one could not get justice.

Mr. PRESIDENT: Order, order. I think such remarks always have a tendency to lower the judiciary in public estimation. Are you withdrawing the expressions to which I have taken serious exception?

Maulvi SYED NAUSHER ALI: I am withdrawing, Sir, as you have ordered. I must, however, say that here Mr. Chatterjee said something which will perhaps go against himself. He said that it was a regrettable step to introduce principles restricting the freedom of contract, and that it went against democracy. He was suspicious about the honesty of the conciliation board and he was thus himself giving out facts which go against democracy. Sir, speaking for myself, I would say that corruption is to be found practically everywhere. If it be alleged that there will be corruption prevalent in the proposed conciliation board, it will not be an only exception; and even with this corruption the poor people will not be compelled to spend unnecessarily an amount which they would be compelled to if they wanted to have justice anywhere else. I, therefore, cannot subscribe to the view that people with sufficient interest in this matter will not be available in the mufassal. Sir, we have got our union benches and union courts in the mufassal which are working quite satisfactorily (A VOICE: Question.) At any rate, Sir, they are not working worse than the courts and tribunals in the country. May I ask Mr. B. C. Chatterjee who is himself a criminal lawyer how much confidence does he place in our jury trials? If we can tolerate these things, then why should we have any objection to these conciliation boards? I think, Sir, that even assuming for argument's sake that there will be some amount of corruption prevailing in this conciliation board—which I welcome—I think the members of the board will be more honest than ourselves. I would——.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, why does Maulvi Syed Nausher Ali impute dishonesty to members of this Council?

Mr. PRESIDENT: Unfortunately, there are, as I have had occasions to remark before, one or two members in this House with whom suicide is a delightful crime. (Laughter.)

Maulvi SYED NAUSHER ALI: Sir, I am not imputing dishonesty to any individual member of this House, but I would——.

Mr. PRESIDENT: But Maulvi Sahib, why do you cast these reflections unnecessarily? Why do you delight at throwing mud on others? Why can't you feel that you and everybody else are above-board?

Maulvi SYED NAUSHER ALI: Sir, as it was insinuated by Mr. Chatterjee that corruption will be prevalent in this board, I said that corruption is already prevalent everywhere.

Mr. PRESIDENT: Order, order. You better resume your seat.

The Council stands adjourned till 3 p.m. to-morrow.

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 28th August, 1935, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 28th August, 1935, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 110 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Drinking water-supply in Bankura.

*129. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that during the long spell of drought prevailing in April, May and June of this year there was great distress in some parts of the Bankura district for paucity of water;

(*ii*) that the people had to get their drinking water from a distance of four or five miles from pits excavated on the sand bed of rivers; and

(*iii*) that all the villagers, for want of water in the tanks and *bunds*, had to go without bathing for days together when the temperature was nearing 115° under the shade?

(b) Do the Government realise—

(i) that this deplorable condition is due primarily to the neglect, and consequent silting up of the tanks and *bunds* which cannot contain one-fourth of the volume of water they used to contain before;

(ii) that the rivers in the district are hill streams which dry up in the dry season; and

(iii) that owing to uneven surface of the district and want of any powerful perennial source of water in or near the district, water-supply by canal in the district, except in the eastern thanas, is not possible?

(c) If the answers to (a) and (b) are in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, have been taken or do the Government contemplate taking for the improvement of water-supply in the district?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (a)(i) The rainfall in April, May and June this year was less than normal in some parts of the district of Bankura, with the result that hardship was experienced in those areas.

(ii) Drinking water was not always available close at hand at all places but Government have no information to the effect that people had to get drinking water from a distance of four or five miles from pits excavated in river beds.

(iii) The scarcity of water for bathing caused considerable inconvenience in many places but not to the extent suggested by this question.

(b) (i) Yes. The district abounds in tanks and *bunds* but on account of the indifference of the owners they have largely silted up and are now mostly unserviceable.

(ii) The rivers in the district are in the nature of hill streams but all of them do not dry up in the dry season.

(iii) The western parts of the district are undulating but a system of water-supply by canals is believed to be feasible in certain areas.

(c) The matter is under consideration of Government but no decision has been arrived at yet.

Rai Bahadur SATYA KINKAR SAHANA: With reference to answer (*b*)(*i*), will the Hon'ble Member be pleased to state if Government made any enquiry into the causes of the indifference of the owners?

The Hon'ble Sir BROJENDRA LAL MITTER: No, Sir; Government made no enquiries. But it is a fact that these are private-owned tanks and *bunds*, and the owners did nothing.

Rai Bahadur SATYA KINKAR SAHANA: Did the Government enquire from when the deterioration of the tanks in the district of Bankura has begun?

The Hon'ble Sir BROJENDRA LAL MITTER: I cannot say the date, but it is progressive.

Damage of crops in khas mahal char lands in Mymensingh due to annual flood.

***130. Maulvi ABDUL HAKIM:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the heavy silting up of the bed of the old Brahmaputra river has been causing abnormal flood for some years past in the *char* lands comprised in the temporarily settled estates or *khas mahals* in the district of Mymensingh?

(*b*) Is the Hon'ble Member in charge also aware—

(*i*) that paddy crops either *aus* or *amon* sown in the low-lying class lands are completely damaged every year by abnormal flood; and

(*ii*) that these low-lying lands can be sown with no other crops except paddy?

(*c*) Is it a fact that the local Revenue authority or the Revenue Board has not hitherto taken any steps for at least a temporary reduction of rents for these lands?

(*d*) If the answer to (*c*) is in the affirmative, are the Government considering the desirability of taking steps for the remission of rents for these low lands?

(*e*) If no remission of rent is in contemplation, are the Government considering the desirability of forming an inquiry committee for investigating into this matter?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) and (*b*) (*i*) The member is referred to the answer to starred question No. 74 (*d*) (*ii*) and (*e*), given during this session.

(*b*) (*ii*) Yes. Paddy is the principal crop which is grown on these lands.

(*c*) There was no occasion for granting any reduction of rent.

(*d*) No.

(*e*) It is not proposed to appoint any committee of inquiry.

Naya and Smriti students in tols at Navadwip.

***131. Rai Bahadur SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the years 1933, 1934 and 1935—

(*i*) the names and castes of the students reading Naya and Smriti in the *tols* at Navadwip who enjoyed Government stipend; and

(*ii*) the number of the Scheduled Caste students reading Naya and Smriti who enjoyed such stipend?

(*b*) Is it a fact that up till now no Scheduled Caste student or a Kayasta or Baidya student enjoyed such stipend?

(*c*) Is it a fact that the stipendiary allowance is meant for students irrespective of caste and creed reading Naya and Smriti?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) A statement has been compiled and is being placed on the Library table.

(*b*) Yes, so far as is known.

(*c*) The existing rules appear to contemplate this.

Rai Bahadur SARAT CHANDRA BAL: With reference to answer (*a*), will the Hon'ble Minister be pleased to state whether it is a fact that only the Brahmins and Kshatriyas enjoyed these stipendiary allowances during the years 1933, 1934 and 1935?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: That is not a fact, Sir. There was at least one case in which it was given to a non-Brahmin.

Rai Bahadur SARAT CHANDRA BAL: Is it not a fact that in most of these cases, as is evident from the statement laid on the table, Brahmins and Kshatriyas enjoy these stipendiary allowances?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I have answered this in (*c*), namely, that the existing rules appear to contemplate this. Stipendiary allowance is given to students irrespective of caste and creed, and not as a matter of charity.

Library training.

***132. MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing at present the names, age, period of service, scale of pay, academic qualification and nature of special library training of the librarians in the Government colleges and teachers' training institutions in this province?

(*b*) Do the Government offer any facilities to the librarians to get library training in course of their service?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) A statement is placed on the table.

(*b*) Librarians who desire to go for the training courses at the Imperial Library are permitted to do so, provided this does not interfere with their college work.

A statement referred to in the reply to clause (a) of starred question No. 132, showing the names, age, period of service, scale of pay, academic qualification and nature of special Library training of the librarians in the Government colleges and the David Hare Training College.

No.	Name and designation	Age.	Period of service.	Scale of pay.	Academic qualification.	Nature of special Library training.	Remarks.
		Years.		Rs			
1	Babu Gukul Nath Dhar, Librarian, Presidency College.	50	26 years	125—5—150—10—200 ..	Read up to M.A. ..	....	
2	Babu Kalipada Bhattacharjee, Offg. Librarian, Sanskrit College.	36	9 ,,	110—10-2—120—5-2—130	M.A. (Sanskrit Class I), Kavyatirtha.	....	He holds substantive appointment as Librarian, Rajshahi College, in the scale of Rs. 80—4—120.
3	Maulvi A. F. M. Abdul Majid Rushdi, Offg. Librarian, Islamia College.	Not known.	2 ,,	90—10-2—110—5-2—120—10-2—130.	M.A. ..	....	
4	Babu Nagendra Nath Chaudhury, Librarian, Krishnagar College.	44	21 ,,	80—4—120 ..	B.A. ..	....	
5	Babu Brigopal Banerjee, Librarian, Hooghly College.	45	15 ,,	Do. ..	B.A. ..	....	Deputed to the Imperial Library Training Class for training from 1st July, 1935.
6	Babu Raj Raj Mukherji, Offg. Librarian, Rajshahi College.	Not known	6 months	80—4-2—100—5-2—105 ..	M.Sc. ..	Was a clerk in the Imperial Library.	
7	Maulvi Abdul Wajid, Librarian, Chittagong College.	34	3 years	Do ..	B.A. ..	Was an assistant in the Dacca University Library.	
8	Babu Nagendra Nath Sen, Librarian, B. E. College.	46	22 ,,	75—5—100 ..	Failed Entrance ..	....	
9	Babu Upendra Nath Das, Librarian, Dacca Intermediate College.	37	15 ,,	Do. ..	B.A. (Cal.) .. B.A. (Dacca.) M.I.L.A.	....	
10	Babu Paresh Chandra Mukherjee, Librarian, Bethune College.	34	11 ,,	Do. ..	B.A. ..	....	

11	Maulvi Md. Sanaullah, Library clerk, Islami Intermediate College.	31	6 years.	75—5—100 ..	Read up to B.A.		
12	Maulvi Syed Ali Akhtar, Assistant Librarian Presidency College.	46	19 ,,	40—40—45—5-2—70—5-2—100	Read up to I.A., knows Persian, Urdu and type-writing.	Trained in the Imperial Library.	
13	Babu Paresh Nath Pal, Assistant Librarian, Presidency College.	29	7 ,,	Do. ..	B.Sc.		
14	Maulvi Md. Ismail Hossain, Assistant Librarian, Presidency College.	30	5 ,,	Do ..	B.A.		
15	Babu Niradangu Bhattacharji, Assistant Librarian, Sanskrit College.	29	6 ,,	Do. .	B.A.		
16	Babu Matilal Chaudhury, Assistant Librarian, Rajshahi College.	45	20 ,,	35—35—40—2—60—2—68—3-2—80	Read up to F.A.		
17	Maulvi Md. Nurul Huda Khan, Assistant Clerk and Librarian, David Hare Training College.	32	7 ,,	Do. .	I.A. in Islamic studies.		

MUNINDRA DEB RAI MAHASAI: With reference to the statement made on this question, does the Hon'ble Minister consider that "failed Entrance" is an academic qualification?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is a question of outlook, Sir.

MUNINDRA DEB RAI MAHASAI: With reference to answer (*b*), is it possible to go for the training courses without any interference with their college work?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is not possible for me to answer this question.

Mr. NARENDRA KUMAR BASU: Has any of these men ever attended the Library Conference?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I want notice.

Proposed sanatorium at Kurseong.

***133. Maulvi RAJIB UDDIN TARAFDER:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that the Medical Aid and Research Society had received a gift of property named "Helen Lodge" at Kurseong for the purpose of opening a sanatorium there;

(*ii*) that the said society submitted to the Kurseong Municipality the plans for the proposed sanatorium for sanction; and

(*iii*) that the municipality referred the matter to the Government Health Department for opinion about apprehension of the health of the town being affected by the establishment of such an institution?

(*b*) If the answer to (*a*)(*iii*) is in the affirmative, what was the opinion given by the Health Department to the Kurseong Municipality?

(*c*) Is the Hon'ble Member also aware that the Kurseong Municipality has agreed to sanction the plans submitted by the said society on the following conditions, amongst others—

(*i*) that the society should open and maintain an outdoor dispensary simultaneously with the opening of the sanatorium and also provide free treatment to local patients without financial support from the local authorities; and

(*ii*) that two free beds shall be kept permanently available for local patients?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state the authority under which the said municipality can impose the abovementioned conditions on the society?

(*e*) Do the Government propose to take any action in the matter?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*)(*i*) Yes.

(*ii*) Government have no information.

(*iii*) Yes.

(*b*) A copy of letter No. 9520E., dated the 19th July, from the Director of Public Health, Bengal, to the Chairman of the Kurseong Municipality, is laid on the Library table.

(*c*) (*i*) and (*ii*) Government have no information.

(*d*) and (*e*) Do not arise.

Revision survey of khas mahals and temporarily settled estates in Mymensingh.

***134. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) whether revisional settlement survey operations are being carried on in the *khas mahals* and temporarily settled estates in the district of Mymensingh; and

(*ii*) whether it is intended to increase the rents of the tenants of these *mahals* and estates?

(*b*) If the answer to (*a*) is in the affirmative, have the Government considered the question—

(*i*) that the *raiyats* are in a distressed condition at the present time; and

(*ii*) whether the present time is to be opportune for the increment of rent?

(*c*) Will the Hon'ble Member be pleased to lay on the table another statement showing—

(*i*) the number of estates in which such revision of rent is contemplated;

(*ii*) the total number of tenants of these estates;

(*iii*) the total amount of rent at present payable by these tenants to the Government;

(*iv*) the total amount of the contemplated increase of rents; and

(*v*) the number of certificates that were issued in the years 1933-34 and 1934-35, respectively, for realisation of arrears of rent from the tenants of these estates?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*)(*i*) Yes, in an area of 232 square miles.

(*ii*) Yes, if the circumstances justify such an increase.

(*b*)(*i*) The *raiyats* have been affected by economic depression but the situation is showing signs of improvement.

(*ii*) The revision was overdue, and it is undesirable to defer the work as the provincial programme would be seriously affected. The rents here are low compared with similar lands in other districts. The revised rents will come into force for 10 square miles in 1934-35; 120 square miles in 1935-36 and in 102 square miles in 1936-37.

(*c*)(*i*) One hundred and sixteen Government estates and 705 temporarily settled private estates.

(*ii*) The information will not be available until the work is further advanced.

(*iii*) The information is not readily available and its collection will entail so much labour, time and expense that Government regret that they are not prepared to undertake the task.

(*iv*) The information is not yet available.

(*v*) The number of certificates issued during 1933-34 and 1934-35 was 470 and 398, respectively.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state whether the rents of *khas mahal* tenants in general are lower than those of tenants under the *zemindars*?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice, Sir.

Howrah Licensing Board.

***135. Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Revenue (Excise) Department be pleased to lay on the table a statement showing—

(*i*) the names of (*1*) districts and (*2*) towns where there are excise licensing boards at present;

(*ii*) the names of members of each such board with note against their names whether official or non-official;

(*iii*) the number of meetings held of each of such licensing boards every year during the last three years;

(*iv*) what business is transacted by such boards; and

(*v*) under whose authority the members of the boards are nominated or elected?

(*b*) What is the constitution of the Howrah Excise Licensing Board?

(*c*) Do the board consist of equal number of officials and non-officials?

(*d*) Are the non-officials taken from the nominees of the municipalities of Howrah and Bally, respectively?

(*e*) Is the Hon'ble Minister aware that in the meetings of the Howrah Licensing Board—

(*i*) the members representing the Bally municipality are not allowed to exercise their votes on questions affecting Howrah;

(*ii*) the members representing the Howrah municipality are not allowed to vote in matters affecting Bally; but

(*iii*) the entire group of officials vote on questions affecting both the towns; and

(*iv*) in consequence the non-officials are always in the minority?

(*f*) Will the Hon'ble Minister be pleased to state whether equal number of officials and non-officials constitutes the different Excise Licensing Boards in the province in every case?

MINISTER in charge of REVENUE (EXCISE) DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*)(*i*) There are Excise Licensing Boards in all the districts in Bengal except Darjeeling and Chittagong Hill Tracts. There are also such boards for the subdivisions of Barrackpore in the district of the 24-Parganas and Asansol in the district of Burdwan and for the municipalities of Howrah and Bally. There is a licensing board in Calcutta also.

(*ii*) The information is not readily available and much time and labour will be involved in collecting it. Government regret that they are unable to undertake to do this.

(*iii*) A statement is placed on the Library table.

(*iv*) and (*v*) The member is referred to Notifications Nos. 4, 5 and 6T.—A.I., dated the 19th April, 1933, and 651Ex., dated the 10th August, 1935, copies of which are placed on the Library table.

(*b*) The constitution of the Excise Licensing Board for the Howrah and Bally Municipalities is as follows:—

President.

The Commissioner of the Burdwan Division.

Members.

The District Magistrate of Howrah.

The Collector of Excise, Calcutta.

The Superintendent of Police, Howrah.

Two representatives of the municipality for which the Board is constituted.

One representative of the Calcutta Temperance Federation.

(*c*) No. There are four official and three non-official members.

(*d*) Yes, and also a temperance member is nominated by the Calcutta Temperance Federation.

(*e*) (*i*) and (*ii*) Yes. The non-official members nominated by the respective municipalities take part only when the items relating to the municipality which they represent are discussed.

(*iii*) Yes.

(*iv*) The board as at present constituted has a majority of official members.

(*f*) No.

Resettlement of khas mahal lands in Faridpur.

***138. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) whether it is a fact that there has been a general increment of rent in the *khas mahals* in the district of Faridpur after the onset of the present economic depression; and

(*ii*) whether it is a fact that realisation is being made at the increased rate since April, 1933?

(*b*) Is the Hon'ble Member aware -

(*i*) that the tenants find it very difficult to pay at the increased rates; and

(*ii*) that as a result innumerable certificates are being issued?

(*c*) What is the number of certificates that were issued in the district of Faridpur for the realisation of *khas mahal* rents in the year 1934?

(*d*) Is the Hon'ble Member aware—

(*i*) that a certificate was issued against one Jabed Dhali of village Kalmirchar, police-station Junzira, and others for the realisation of arrears of *khas mahal* rent amounting to about Rs. 60;

(*ii*) that Jabed's share of the dues was about Rs. 8;

(*iii*) that a writ of attachment of movables was ultimately issued against Jabed in *Baisak* last for the realisation of the said amount;

(*iv*) that Jabed was compelled to sell 3 heads of cattle then and there for Rs. 8 only and save himself from the attachment by paying this amount; and

(*g*) that drastic realisations like that referred to above are being made in many instances?

(*e*) Is the Hon'ble Member also aware—

(*i*) that certificates are being issued even against tenants whose holdings have been washed away by river erosion, for realisation of rents for post diluvion periods; and

(*ii*) that this is causing great hardship to the tenants concerned?

(*f*) Are the Government considering the desirability of keeping the enhanced rate in abeyance till the economic depression is over and of remitting rents of diluviated lands as long as such lands remained under water?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) No. There has been no general increase of rent in the *khas mahals* in the district of Faridpur. The term of the settlement of some estates having expired, a resettlement was made. In the course of this settlement there was some increase of rent under Chapter X of the Bengal Tenancy Act with effect from April, 1933.

(*ii*) Yes, in respect only of the estates referred to in answer to (*i*) above.

(*b*) (*i*) Government have no information to this effect.

(*ii*) No.

(*c*) 5,175.

(*d*) (*i*) A certificate was issued against Jabed Dhali and four others in respect of arrears amounting to Rs. 28-3-10.

(*ii*) Government have no information.

(*iii*) A warrant of attachment of movables was issued on the 8th April, 1935.

(*iv*) No. The certificate-debtors paid up the demand amicably before any property was attached.

(*v*) The question does not arise.

(*e*) (*i*) Certificates are filed for arrears of rents due in respect of diluviated holdings only when the tenants do not apply for abatement. Certificates are withdrawn and abatement allowed on application by the tenants concerned.

(*ii*) No.

(*f*) No. The economic situation is showing signs of improvement and there is no reason why Government should abandon their policy of moderate enhancement. As already stated, tenants can readily obtain abatement of rents of diluviated lands on applying for it.

Calcutta Port Haj Committee.

*137. **Maulvi AZIZUR RAHMAN:** (*a*) Will the Hon'ble Member in charge of the Political (Haj Pilgrimage) Department be pleased to state—

(*i*) whether it is a fact that the Government of India passed the Port Haj Committees Act, 1932, for giving all possible help to the intending pilgrims to the Hedjaz;

(*ii*) whether the said Act has been brought into force in the Port of Calcutta since January, 1934;

(*iii*) whether the Calcutta Port Haj Committee have been holding their meetings since January, 1934;

(*iv*) whether the said Committee is a statutory Committee constituted under the said Act; and

(*v*) whether the office of the Port Haj Committee, Calcutta, had been at work under the said Act since January, 1934?

(*b*) Is it not a fact that certain members of that Committee have to come from distant mufassal districts to attend the Committee meetings and they actually attended some meetings held in Calcutta since January, 1934?

(*c*) Has provision been made for travelling allowance to be drawn by the Executive Officer and Secretary to the Port Haj Committee attached to the office?

(*d*) Is it a fact that mufassal members of every statutory Committee under Government are entitled as a rule to draw their travelling allowance for attending Committee meetings?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons why the mufassal members of the said Port Haj Committee have not yet been permitted to draw their travelling allowance for having attended the Committee meetings since January, 1934?

(*f*) Does the Hon'ble Member intend taking steps in the matter without further delay?

MEMBER in charge of POLITICAL (HAJ PILGRIMAGE) DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*)(*i*) Yes.

(*ii*) The Act was brought into force in Bengal from the 30th November, 1933.

(*iii*), (*iv*) and (*v*) Yes.

(*b*) Yes.

(*c*) Provision has been made by the Government of India for travelling allowance of the Executive Officer who is also Secretary *ex-officio*.

(*d*) Yes, provided the Act constituting the Committee and the funds at the disposal of the Committee permit of the payment of such allowances.

(*e*) The payment of travelling allowance to members of the Port Haj Committee does not constitute a charge which it is incumbent on the Government of India to meet under section 16 of the Port Haj Committees Act.

(*f*) Does not arise.

Construction of bridges on roads.

*138. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware of the opinion held by many that the bridging of the waterways across the existing roads is more necessary than the construction of new roads, for the improvement of communication in the province?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the amount of money received by our province from the Road Board Fund since its inception; and

(*ii*) the amount that has been spent or is to be spent for the construction of bridges on the existing roads?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) (*i*) Rupees 73,26,000.

(*ii*) The amount which has been spent or is to be spent on the bridging of existing roads is Rs. 22,19,312.

Calcutta School of Tropical Medicine.

*139. **Maulvi AZIZUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay down on the table a statement showing—

(*i*) the present total numbers of—

(*A*) Professors and officers in other superior services,

(*B*) Assistant Professors and officers in other allied services,

(*C*) Research Scholars,

(*D*) Assistant Research Scholars and other Medical and Laboratory Assistants,

(*E*) Media Makers,

(*F*) Ministerial officers, and

(*G*) Scientific workers in the various departments of the Calcutta School of Tropical Medicine and its allied hospitals, laboratories and institutions;

(*ii*) how many of them are Muhammadans in each respective head; and

(*iii*) what are their respective qualifications?

(*b*) Was any attempt made to recruit suitable Muhammadan candidates within the last 3 years according to the prescribed proportion of Muslims fixed by the Government of Bengal?

(*c*) Were all the vacancies within the last 3 years advertised?

(*d*) If the answer to (*c*) is in the negative, on how many occasions were the vacancies not advertised?

(*e*) In cases in which the vacancies were advertised, did any Muhammadan candidate or candidates possessing requisite qualifications apply for them?

(*f*) Was any Muhammadan medical man given chance for any temporary appointment to acquire efficiency or experience in various research works there?

(*g*) If the answer to (*f*) is in the affirmative, on how many occasions were such chances given?

(*h*) Is the School of Tropical Medicine, Calcutta, with its various departments managed by the Local Government?

(*i*) What amount of contributions, if any, are annually granted by the Local Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*), (*ii*) and (*iii*) The information is given in the statement which is laid on the table.

(*b*) Yes.

(*c*) and (*d*) All excepting two.

(*e*) and (*f*) No.

(*g*) Does not arise.

(*h*) and (*i*) The School of Tropical Medicine and the Carmichael Hospital are under the administrative control of the Government of Bengal but certain departments are financed by funds not supplied by the Local Government. The amounts spent by the Government of Bengal on the School and the Hospital amount to Rs. 1,18,600 and Rs. 29,200, respectively, per annum.

Statement giving information referred to in clause (a) (i), (ii) and (iii) of starred question No. 139.

(*i*) The present total numbers of—

(*A*) Professors and officers in other superior services.	7 Professors and 2 part-time Lecturers (Government), 4 Research Workers (Endowment Fund) and 1 Research Worker (Indian Research Fund Association).
(*B*) Assistant Professors and officers in other allied services.	16 (Government), 11 (Endowment Fund) and 13 (Indian Research Fund Association).
(*C*) Research Scholars ..	2 (Endowment Fund).
(*D*) Assistant Research Scholars and other medical and laboratory assistants.	17 (Government), 13 (Endowment Fund) and 14 (Indian Research Fund Association).
(*E*) Media Makers .	2 (Government).
(*F*) Ministerial officers ..	19 (Government), 2 (Endowment Fund), 5 (Indian Research Fund Association) and Entomologists 2 (Indian Research Fund Association).

	Number.	Qualifications.
(*ii*) Number of Muhammadans in each respective head, and	4 Ministerial officers (Government)	Matriculates.
	1 Laboratory Assistant (Government)	B.L.
(*iii*) Their respective qualifications	1 Laboratory Assistant (Endowment Fund).	Non-matriculate.
	3 Laboratory Assistants (Indian Research Fund Association).	2 Matriculates and 1 non-matriculate.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Muslims in the office of Board of Revenue.

71. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table showing for the office of the Board of Revenue—

(*i*) the present number of assistants separately in the Upper and Lower Divisions;

(*ii*) the number of typists;

(*iii*) how many of the said assistants and typists are Hindus; and

(*iv*) how many are Muslims?

(*b*) If there is no Muslim in the Upper Division of the ministerial establishment in the office of the Board of Revenue, Bengal, what are the reasons?

(*c*) Will the Hon'ble Member be pleased to state how many Lower and Upper Division Hindu and Muslim assistants are there in the Revenue Department of the Secretariat at the present moment?

(*d*) Is there any system of direct recruitment of Upper Division assistants in the Revenue Department?

(*e*) If the answer to (*d*) is in the affirmative, how many Muslims have been recruited in this department by the said method?

(*f*) Is there any system of direct recruitment of Upper Division assistants in the office of the Board of Revenue, Bengal?

(*g*) If the answer to (*f*) is in the affirmative, how many were recruited by this system during the last 20 years in that office?

(*h*) What was the proportion of Hindus and Muslims in the Lower Division in the office of the Board of Revenue, Bengal, during the last 20 years (year by year)?

(*i*) Is it a fact that the Head Assistant of the Board of Revenue, Mr. M. N. Mitra, is a direct recruit to the Upper Division?

(*j*) Is it a fact that there are two Muslim Upper Division recruits in the Revenue Department of the Secretariat?

(*k*) Is it a fact that Upper Division recruits in the Secretariat are taken from the list of the successful candidates from the Bengal Civil Service Examination?

(*l*) Is the Hon'ble Member aware—

(*i*) that this system is also followed in recruiting, when necessary, Upper Division assistants in the office of the Inspector-General of Police, Bengal; and

(*ii*) that recently a Muslim was taken in this office by this method?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*)(*i*) Permanent posts—10 in the Upper Division; and 21 in the Lower Division.

Temporary posts—1 in the Upper Division; and 8 in the Lower Division.

(*ii*) 3 permanent and 1 temporary.

(*iii*) 22 permanent and 8 temporary.

(*iv*) 12 permanent and 2 temporary.

(*b*) At present there is no Muhammadan in the Upper Division of the ministerial establishment of the Board of Revenue. Two Muhammadan Lower Division assistants were promoted to the Upper Division in 1928. One retired on superannuation pension in 1932 and the other prematurely on invalid pension in 1934. During the past 16 years

no less than 10 Muhammadan assistants of the Lower Division have resigned, 2 have been transferred on higher pay to other offices and one discharged with the result that the present Muhammadan assistants in the Lower Division have only a few years' experience and are not yet eligible for promotion which is made solely on merit combined with seniority.

	Upper Division.	Lower Division.
(*c*) Hindus	... 7	17
Muhammadans	... 3	10
Anglo-Indians	... 1	...
Vacant	... 1	...

(*d*) Yes.

(*e*) Two.

(*f*) The normal practice is to fill up Upper Division vacancies by promotion from the Lower Division. But when competent Lower Division assistants are not available direct recruitment is made.

(*g*) Three.

(*h*) A statement regarding permanent posts is laid on the table.

As the number of temporary posts is of fluctuating character, the information is not readily available. Its collection would entail so much labour, time and expense that Government regret they are not prepared to undertake the task.

(*i*) and (*j*) Yes.

(*k*) Half the number of vacancies is filled by promotion from the Lower Division and the rest on the result of the Bengal Civil and other Services Examination, except such vacancies as may be filled by the appointment of suitable Europeans or Anglo-Indians.

(*l*)(*i*) Direct recruitment in the office of the Inspector-General of Police is made in the manner best calculated to secure the kind of recruits required on the pay given and ordinarily one or other of the following methods is adopted:—

(*A*) Selection from the list of candidates who pass the Bengal Civil Service (Executive) Examination but who fail to obtain appointments.

(*B*) Selection of clerks of proved merit (graduates, if possible) from a subordinate office.

(*C*) When an Anglo-Indian or European is required, selection in the manner prescribed by rules 3(*b*) and 4 of the rules for the regulation of appointments in the clerical service of the Secretariat.

(*ii*) A Muhammadan was appointed under method (*a*) above in July, 1931.

Statement referred to in the reply to clause (h) of unstarred question No. 71.

NUMBER OF HINDU AND MUSLIM (PERMANENT) ASSISTANTS IN THE LOWER DIVISION ESTABLISHMENT OF THE BOARD OF REVENUE, BENGAL, FROM 1915 TO 1934.

	Number of Hindus.	Number of Muslims.	Remarks.
1915	11	3	
1916	11	3	
1917	11	3	
1918	12	4	
1919	12	4	
1920	13	7	
1921	13	7	
1922	13	7	
1923	13	7	
1924	13	7	
1925	14	6	
1926	14	4	2 posts vacant.
1927	13	4	3 posts vacant.
1928	12	7	2 posts vacant.
1929	13	6	2 posts vacant.
1930	12	7	2 posts vacant.
1931	13	8	
1932	12	9	
1933	10	11	
1934	8	11	2 posts vacant.
1935	9	12	

Fare from Faridpur Station to Shivarampur Station.

72. Maulvi TAMIZUDDIN KHAN: (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state—

(*i*) what was the third class passenger fare from Faridpur to Shivarampur railway stations in the Faridpur branch line of the Eastern Bengal Railway two years ago; and

(*ii*) what is the present fare?

(*b*) If there has been an increase of fare in the meantime, what is the reason for the increase?

(*c*) Has the distance between the two stations increased in the meantime.

(*d*) At what rate per mile is the fare assessed at present?

(*e*) Has there been any increase in the rate since two years ago?

(*f*) What will be the passenger fare of the various classes from new Faridpur station to Shivarampur station?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John Woodhead): (*i*) One anna and three pies per passenger prior to 19th August, 1933.

(*ii*) One anna and nine pies per passenger.

(*b*) and (*c*) As a result of the rechaining of the line the chargeable distance between the two stations has been increased from four to six miles.

(*d*) Three and half pies per passenger per mile.

(*e*) No.

	(*f*) Single journey fare.			Ordinary return journey fare.		
	Rs.	as.	p.	Rs.	as.	p.
1st class ..	0	14	0	1	5	0
2nd ,, ..	0	8	9	0	13	3
Inter ,, ..	0	3	6	0	4	9
Third ,, ..	0	2	0	0	3	3

Ministerial officers of the Secretariat to retire in 1936.

73. Maulvi AZIZUR RAHMAN: Will the Hon'ble Member in charge of the Finance Department be pleased to state—

(*i*) how many officers of the ministerial staff from each department of the Bengal Secretariat are likely to retire during the year 1936; and

(*ii*) at what age those officers will retire?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*i*) and (*ii*) A statement is laid on the Library table.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to let us know the intention of Government in the matter of granting extension of service to officers who are about to retire, and for which a statement has been laid on the Library table?

The Hon'ble Sir JOHN WOODHEAD: The question of granting an extension depends on the exigency of the occasion.

Mr. P. BANERJI: From the statement it appears that some were retired at the age of 55, some at the age of 57 and some at 58; will the Hon'ble Member kindly explain why they were retired at different ages?

The Hon'ble Sir JOHN WOODHEAD: Exigencies of Government service.

Recruitment of a stenographer as an Upper Division Clerk in office of the Board of Revenue.

74. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether the stenographers in the Secretariat and the attached offices under the heads of departments are eligible for appointment as clerks?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reason why a stenographer in the office of the Board of Revenue has recently been promoted to the rank of an Upper Division Assistant in that office?

(*c*) Will the Hon'ble Member be pleased to state whether there are any rules regulating the appointment of typists and clerks?

(*d*) Will the Hon'ble Member be pleased to lay on the table a copy of the rule under which the said appointment in the board's office has been made?

(*e*) Are the Government considering the desirability of amending the rules making typists and stenographers eligible for appointment as clerks in other offices including the Secretariat Department?

The Hon'ble Sir JOHN WOODHEAD: (*a*) There is no bar, provided they comply with the requirements of the rules governing such appointments.

(*b*) Does not arise.

(*c*) Yes.

(*d*) A copy is laid on the Library table.

(*e*) No.

Babu AMULYADHAN RAY: Is the Hon'ble Member aware that the minimum academic qualifications of new recruits to the clerical line is the same as those of typists in the Bengal Secretariat?

The Hon'ble Sir JOHN WOODHEAD: I do not know, Sir.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

Bengal Relief of Indebtedness Bill, 1935.

(Discussion of the Bengal Relief of Indebtedness Bill, 1935, was resumed.)

Babu JATINDRA NATH BASU: Sir, the existence, and widespread existence, of indebtedness amongst the agricultural population in this country, or rather in this province, cannot be denied, and it is also necessary that steps should be taken to relieve the difficulties of the agricultural population so far as their debts are concerned. There have been investigations as to the causes which have led to the indebtedness, but it is not clear that the present state of indebtedness has been due largely or entirely to the high rates of interest that have prevailed. Sir, attempts should be made to find out what are the causes which have led to the present economic condition of the people in general. The present measure is an attempt at remedying the evil by laying down certain principles of adjustment between debtors and creditors. The life of a people depends very largely upon the economic forces that prevail for the time being, and one of the most powerful economic factors is the organisation of credit and the marshalling of credit. Anything that is likely to interfere with the proper working of the system of credit is likely to do a great deal more injury ultimately than the benefit that appears on the surface of this measure. Sir, we should be careful to see that we do not sow the seeds of difficulty which, at no distant future, may face us in a much more severe form than the present difficulties are doing. It is, therefore, necessary that the credit system should continue to remain uninterfered with except where it becomes necessary that there should be interference in order that the difficulties of the people may be relieved without injury to the system which places economic resources in the hands of the people. I do not think that any useful purpose will be served by keeping back the Bill for obtaining public opinion, as the Bill is not likely to come up before this Council for several months, and the public will have ample opportunity to place their views before the members of this Council and before Government, but those who will be entrusted with the consideration of the measure in Select Committee should see that the ordinary factors about the marshalling of economic forces are not interfered with. Instances have been placed before this Council by the Hon'ble

Member in charge stating that large sums of money have become due where the principal amount originally was very small. In the case of the Government of India loans, three or four times the amount of the principal sum have been realised, but will it for that reason lie in the mouth of the Government of India to say that because three or four times the principal have been paid, therefore, the original sum will not be repaid? There should be no attempts at short cuts like that, because they are, though not exactly, but in some measure like the cancellation of public debt at a stroke of the pen as was done by the Union of Socialist Soviet Republics. I am afraid, Sir, measures like this, if not very carefully looked into and framed, are likely to do a great deal of injury to the people, and may bring about a severe crisis. We must not forget the effects that the cancellation of public debt in Russia had on her trade in spite of all the official stimulation to achieve success, because of the loss of her credit in the outside world. Sir, these are the factors which should not be forgotten in considering the measure.

The Hon'ble Khwaja Sir NAZIMUDDIN: It appears to me, Sir, that most of the criticisms that have been levelled against this Bill have been made in a rather light-hearted manner without going deeply into the literature available on the subject. Anyone who has gone through the literature will be convinced that the Bill is drafted on lines absolutely unobjectionable and has got the support or rather is based on the advice of those who have taken the trouble to spend time and thought over this question. Most of the criticisms also have been very effectively replied to by Khan Bahadur Momin, Maulvi Abul Quasem, and Dr. Naresh Chandra Sen Gupta, and I think a certain amount of criticism that was made was actually anticipated in the speech which I delivered yesterday. They may be classed into three categories: One is that there are those who think that nothing should be done until and unless you improve the economic condition of the *raiyat* by means of giving him more income from his agricultural produce. Then there are others who think that this Bill will ruin the creditors—the *mahajans*—and it is going to bring about a serious state of affairs. On the other hand, there are others who think that this Bill does not go far enough, and more drastic measures are necessary. In reply to those who think that something should be done for increasing the income of the *raiyat* before tackling this question, my reply is that settling of the debt or rather the scaling down of the debt of the cultivator is a condition precedent to any attempt at village uplift and rural reconstruction. If a man's original debt has increased by four or five times, and payments for those debts mean more than what any increase in income can effectively clear, then a mere increase in income will not help the cultivator in clearing his debts. To have any effect on his economic position, the first essential is to reduce his indebtedness, and then, if necessary, increase his income. But, Sir, I claim on behalf of

Government that Government have not neglected this side of the question. On the other hand, they have taken steps to increase his income. As you all know, the most important money-crop in Bengal is jute. Last year, the price of jute was from Rs. 2-8 to Rs. 3-8; this year it is from Rs. 4-8 to Rs. 5-8, and a week ago, it was something like Rs. 6. So, there has been a marked increase in the price of jute from last year. This was entirely or largely, if I may say so, due to the action taken by Government by voluntary restriction of jute cultivation. Therefore, it will be seen that we have not neglected this side of the question. We have tried to increase the earning capacity of the cultivator. It is true that at the present time owing to circumstances beyond the control of Government, there is a tendency at present for the price of jute to fall, but I would like the House to remember that last year Government attempted to restrict the jute cultivation by about 30 per cent. That did not mean wiping out the entire surplus stock of jute. Therefore, the price of jute must have some relation to other circumstances such as demand from foreign countries and also other circumstances which affect the price of jute. Therefore, although at present there is a temporary fall in the price of jute, there is every reason to expect that later on, if foreign purchasers come into the market, the price of jute may increase.

Rai Bahadur KESHAB CHANDRA BANERJI: But where will be the surplus jute to meet that demand?

The Hon'ble Khwaja Sir NAZIMUDDIN: I hope the Rai Bahadur will remember that this year's cultivation has been delayed, but whatever that might be, if there is a foreign demand, that will meet our purpose.

As far as next year is concerned, I should like to say that from the speech of my colleague, the Minister for Agriculture, it will be seen that Government are determined to make every effort to make the voluntary scheme for the restriction of jute cultivation a success. There was some apprehension in the minds of the public because we moved for a supplementary demand of Rs. 41,000. Members of this House fully know that this means only that because the amount that was provided for last year was not sufficient that Government have had to ask for a supplementary demand of Rs. 41,000; but I am told that some people have understood by that to mean that that is the only amount that Government is going to spend next year. That is not so. Actually next year, we intend to spend more money than what we spent last year on the jute restriction scheme. Over and above that, we are going to have a paid staff next year for this jute propaganda in addition to the honorary workers who worked last year. There is another factor which I would like to emphasise, and which my colleagues will also

emphasize, and that is that all those who cultivated sugarcane on their lands have made good profit, and this year Government will go in for propaganda for the cultivation of sugarcane and groundnuts. The cultivators will take to it very keenly, and we will be in a position to have sugarcane and groundnut crops on the land on which jute is grown. So, our chances of success, God willing, so far as the jute restriction propaganda scheme is concerned, are very bright and very hopeful, and, I consider, better than they were last year. So it will thus be seen that Government have taken steps to improve the income of the cultivator. Now the question which has come forward is the settlement of the debt question, and we have the support of all those who have taken the trouble to think over it. My friend Mr. Narendra Kumar Basu as usual, in his irresponsible manner and light-heartedly, has said that this Bill has been framed in a hasty manner. That point has been effectively replied to. I personally should rather be an enthusiast and optimist than a pessimist and an obstructionist, but I was certainly surprised at the attitude of Mr. Thompson. He lectured to us on the sanctity of contract, especially among the civilised nations. Unfortunately, he forgot that two Royal Commissions, namely, the Royal Commission on Labour and the Royal Commission on Agriculture, and the Central Indian Banking Enquiry Committee, having representatives of British opinion on it, advocated and strongly advocated the settlement of this debt question amicably and taking up this question in the light of the recommendations of the Royal Commission on Labour. Its President was Mr. Whitley, ex-Speaker of the House of Commons, and what did he recommend there? He said that labourers' wages up to a certain amount should be free from attachment irrespect of sanctity of all contracts whatsoever. So I cannot understand how this question can be brought up by Mr. Thompson and put in that fashion.

Babu AMULYADHAN RAY: He is on the side of landlords.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as the landlords are concerned, their position is not seriously affected at all. Rent is a small portion of the liability of a cultivator, and after all the rent is the legitimate liability of a tenant——

Mr. NARENDRA KUMAR BASU: Debts are not?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as debts are concerned, the original principal and a legitimate interest, as Mr. Nausher Ali has said, and I agree with him, no *raiyat* would like to repudiate. But what he wants relief from is against exorbitant interest and the unfair way in which it has accumulated, and this is what the Bill proposes to do.

Now, Sir, if anybody looks into this Bill carefully, he will find that no one is compelled except in exceptional circumstances to give up his claim. The practical method of bringing about a settlement is by amicable arrangement, and only in exceptional cases a board with special powers will be called upon to exert a mild pressure on the creditor to come to terms. Therefore, there can be no apprehension in the minds of anyone that this will lead to any serious consequences so far as the creditors are concerned.

Rai Bahadur Akshoy Kumar Sen has said that the *mahajans* will be ruined. I doubt if he has ever seriously discussed this question with any village *mahajans*. I have done so with many of them, and I know that they will welcome a measure of this kind. And, above all, when the House will see the results that have been achieved by the Chandpur Voluntary Arbitration Board, they will realise that their apprehensions are groundless; that not only both the *mahajans* and the debtors have come forward and come to an agreed settlement, but what is most surprising is that actually in a large number of cases either cash money has been put down or a portion of their holdings has been transferred in lieu of cash payment. It is an extraordinarily significant fact which surprised even the members of Government, and we have had to get a special report on this point when it first came to our notice. This will show that given a fair settlement the *raiyat* is prepared to shoulder his responsibility and honour his bond.

In reply to those gentlemen who have pressed for drastic measures, I would like to quote to them a portion from the Report of the Bhavnagar State which I consider is very relevant:—

"The method of total repudiation needs only to be mentioned to be rejected all at once; for the remedy would prove worse than the evil from the standpoint of both the debtor as well as the creditor. But at the same time it must be recognised that the debtor after all cannot pay more than his capacity would allow and the sooner the creditor realises it the better for him no less than for the debtor."

The principle on which the Bill is drafted is based on this: That the debtor should pay as far as his capacity allows, and we have provided the simple insolvency procedure by which while making the maximum payment to the creditor, it will leave him sufficient to maintain himself and his family. That is the fundamental principle. It is really based on the recommendations of the Royal Commission on Labour regarding the labourers, and I think that applies clearly to the agriculturists. There is no justification whatsoever that you should sell off entirely everything that an agriculturist possesses whose debts have gone up beyond his means to pay. He should be allowed to have some means which will enable him to maintain himself and his family and the rest can certainly go to the payment of his debts either by immediate payment of his rent or by fixing an instalment extending over, say, a

maximum of 20 years. This is practically the same as the insolvency procedure with regard to rich men. The only thing is that the existing insolvency procedure is too expensive for any poor cultivator to avail himself of. Therefore, it will be seen that this Bill is based on the voluntary agreement between the cultivator and the *mahajan*. The compulsion comes in in two or three different shapes, and it will only be applied when one is satisfied that the creditor is unreasonable. He has been given the right of appeal and the appellate authority is most likely going to be an officer with some kind of judicial experience.

I maintain, Sir, that in this we have amply safeguarded both the debtor and the creditor, and, therefore, there should be no apprehension in the minds of anyone that this will injuriously affect any one party, and I think it is worth repeating what Khan Bahadur Abdul Momin said yesterday that this is a measure where we should proceed cautiously and we should, if necessary, amend the law in the light of our experience. We are going to deal with a large number of cases. The total number of agricultural families in Bengal is 60 lakhs. If two-thirds are indebted that means 40 lakhs of families are involved: if you deduct another 10 lakhs, still you have 30 lakhs of families to deal with. This is, I consider, the one fundamental obstruction to any scheme for land mortgage bank or loan by Government as was suggested by Nawab Musharruf Hosain. Once you start establishing a bank, it becomes essential that every advance that is made must be most thoroughly enquired into. You have got to go into the details of the liability, details of the holdings, what other liabilities there are on the holdings, who are the co-sharers, and by the time you come to decide whether the man is entitled, and should be allowed, to have an advance, a great deal of time has been spent, and to deal with 30 lakhs of cases it will take anything like 10 to 20 years before you can give relief to him. The condition of the *raiyat* is such that he needs immediate relief. It cannot brook delay. Therefore, relief on these lines is not possible.

There is another aspect of this question: once you establish land mortgage banks, they will have to be limited in number, because you will have to have men with certain amount of responsibility, certain experience and certain status for the work of supervision. The cost of maintenance of all these will make the scheme difficult, complicated, expensive and open to various criticisms and objections. Therefore, this scheme which has been put forward by the Government has got the approval of the Board of Economic Enquiry where I maintain there are eminent men both in business, trade, and men representing the interest of the *raiyats* and the *mahajans* and the *zemindars* as well as expert economists and representatives of the Universities. So it will be seen that the best opinion that Government could obtain has been obtained on this Bill. On the top of that the draft Bill of the Board of Economic Enquiry was published so long ago as January, 1935, and

Government asked everyone to submit opinions, suggestions and criticisms. Over and above that, the Central Provinces Bill was circulated to all the Commissioners and Collectors for their opinion, and we have them in our possession and, if necessary, they could be placed before the members of the Select Committee. The literature on the subject is vast. As I said before, Mr. Nalini Ranjan Sarkar delivered a considered lecture as long ago as 1932. The Indian Chamber of Commerce came out with a special pamphlet on the subject, and the newspapers dealt with it. I maintain nowhere so far any opposition has been shown to the idea of voluntary redemption of debt. Had Government gone on a compulsory basis or had Government tried a wholesale repudiation, certainly that would have been against the volume of considered opinion on the subject. This Bill, as it has been framed, is entirely based on the suggestions of representative bodies and public opinion, and I do not see what advantage there can be in sending it again for eliciting public opinion. I hope I have been able to show that as far as this Bill is concerned it is a crying necessity. The relief is urgently required: the condition of the tenant is daily getting worse and his debts are piling up and every day's delay means making the situation more difficult. I am sure this House will at least agree that so far all expert opinions are unanimous that you cannot have an economic revival until and unless you satisfactorily solve the question of rural indebtedness. If this be so and if you are really anxious to have an economic revival or revival of prosperity in this province, then it is essential that there should be no delay whatsoever in getting this Bill through. I hope, in view of the above, everyone will realise that they should all co-operate in seeing this Bill through quickly and given effect to as soon as possible rather than hinder it even by a day.

With these words, Sir, I oppose all the motions for circulation.

The amendment of Maulvi Hassan Ali that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th November, 1935, was put and lost.

Mr. PRESIDENT: At this stage we have to deal with certain amendments with regard to the personnel of the proposed Select Committee.

Babu NAGENDRA NARAYAN RAY: I beg to move that in place of Rai Sahib Panchanan Barma (No. 12) the name of Babu Nagendra Narayan Ray be inserted.

The object of my moving this motion is simply to make the Select Committee more representative in character.

The Hon'ble Khwaja Sir NAZIMUDDIN: We understand that unfortunately Rai Sahib Panchanan Barma has become ill and, therefore, cannot serve on the Select Committee. His name, therefore, goes out and in his place Babu Nagendra Narayan Ray comes in. I accept the amendment, Sir.

The amendment was put and agreed to.

The question that the Bengal Relief of Indebtedness Bill, 1935, be referred to a Select Committee consisting of—

(1) Khan Bahadur Muhammad Abdul Momin,
(2) Mr. Narendra Kumar Basu,
(3) Mr. W. C. Wordsworth,
(4) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(5) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,
(6) Mr. S. M. Bose,
(7) Mr. H. S. Suhrawardy,
(8) Maulvi Tamizuddin Khan,
(9) Mr. Saileswar Singh Roy,
(10) Dr. Naresh Chandra Sen Gupta,
(11) Khan Bahadur Maulvi Muazzam Ali Khan,
(12) Babu Nagendra Narayan Ray,
(13) Babu Khetter Mohan Ray,
(14) Maulvi Abul Quasem,
(15) Khan Bahadur A. F. M. Abdur-Rahman,
(16) Mr. K. C. Ray Chowdhury,
(17) Khan Sahib Maulvi Mohammed Basir Uddin,
(18) Maulvi Abdul Hamid Shah,
(19) Babu Hem Chandra Roy Choudhuri,
(20) Mr. Ananda Mohan Poddar,
(21) Haji Badi Ahmed Chowdhury,
(22) Babu Amulyadhan Ray,
(23) Maulvi Syed Majid Baksh,
(24) Mr. F. A. Sachse,
(25) Mr. H. P. V. Townend, and
(26) the mover,

with instruction to submit their report as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five, was then put in the amended form and agreed to.

The Bengal Court of Wards (Amendment) Bill, 1935.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to introduce a Bill further to amend the Court of Wards Act, 1879.

The question was put and agreed to.

(The Secretary then read the short title of the Bill.)

THE PRESIDENT: I might tell the House that His Excellency the Governor will address the Council to-day, at 4-45 p.m. I will, therefore, adjourn the House now till 4-40 p.m. Members are requested to be in their seats punctually at that hour.

The Council now stands adjourned till 4-40 p.m.

(After Adjournment.)

The Council having reassembled after adjournment at 4-40 p.m., the Secretary proceeded to the portico to receive His Excellency. The Assistant Secretary to the Council then announced the arrival of His Excellency to the Hon'ble the President.

The Hon'ble the President then met His Excellency in the centre of the inner square under the small dome in the vestibule from where a procession was formed in the following order:—

Assistant Secretary to the Council.
Secretary to the Council.
The Marshal with the Mace.
The Hon'ble the President.
His Excellency.
Private Secretary to His Excellency the Governor.
Aide-de-camp.

All present then rose as the procession entered the Council Chamber and remained standing until His Excellency and the Hon'ble the President took their respective seats. The Hon'ble the President then invited His Excellency to occupy the Presidential Chair, and the Hon'ble the President himself took his seat on His Excellency's right hand.

His Excellency then addressed the Council as follows.

His Excellency the Governor's Address and Prorogation.

MR. PRESIDENT AND GENTLEMEN,

My purpose to-day is to speak to you on one subject alone, the future of the detenus. When I last addressed the Legislative Council on the 11th February I pointed out that, though there had been a steady improvement in the terrorist situation, the terrorists had not abandoned their aims, and that it was only by the exercise of constant vigilance that the improvement was being maintained. I also indicated that, when Government were satisfied that recruiting activity and revolutionary plotting had abated to such an extent that relaxation of pressure would not immediately be followed by renewed activity, they would be in a position to put forward measures of appeasement.

During the six months which have since elapsed the situation has been fairly steady. Though evidence has been received of continued terrorist activity, no major outrage has occurred and public opinion has been set steadily against terrorist activity. In these circumstances, though the need for continued vigilance remains as great as ever, Government feel that the risk involved in ameliorative measures may be justifiably undertaken, subject to proper safeguards.

I have noticed in certain quarters a disposition, in recent months, to suggest that detenus are not terrorists because they have not been convicted in open trial and, therefore, that they ought all to be released. I can only think that that argument is advanced, and that solution advocated, either on the one hand by persons in the inner counsels of terrorism whose views are not entitled to weight, or on the other hand, by well-meaning persons, necessarily ignorant of the ramifications and activities of terrorist organisations, who are, therefore, not in a good position to form a competent opinion. With the experience of two successive periods of terrorist activity behind them, Government could never agree to a general release of detenus. On the previous occasions when terrorism has been brought under control detenus who were held in custody as a preventive measure were set at large. Within a short time of their release, after a necessary period of preparation, terrorist activity broke out again, and it was found that it was the released detenus who had been most active in reviving the movement. With those lessons before them Government cannot be expected again to pursue a course which has twice been proved a mistake. They cannot gamble with the lives of their officers or the safety of the State, or take unnecessary and undue risks.

That does not mean that nothing is to be done to enable detenus to become useful members of society. I have long recognized that to hold persons in detention indefinitely with no prospect of the amelioration of their condition is no solution of the terrorist problem. I believe that while there is, among the detenus, a certain number of irreconcilables, there is on the other hand a large number who have been led astray by a perverted idealism and who can be made to see the error of their ways and to become useful citizens. I consider that the State should recognise that it is incumbent upon it to do what it can to give such men a chance of turning their energies and their abilities into useful channels. Merely to set them loose on the country without definite evidence of their information would be to take an undue and unjustifiable risk both to society and to the detenus themselves, many of whom would undoubtedly again fall an easy prey to the terrorist recruiter. An alternative solution has, therefore, to be found which will afford reasonable security to society by reducing to a minimum the risk of early relapse.

Government have, after long and careful deliberation, decided upon giving to carefully selected detenus, at the expense of the State, a training which will enable them to assist in developing the natural resources of the country both to their own profit and to the advantage of the country at large. It is proposed to train them in those forms of agriculture—fruit-farming, kitchen gardening and the like—in which there is scope for the intelligence and organising power of the *bhadralok* youth and which have hitherto been neglected. On the industrial side training will be given in the manufacture of articles which it is expected will yield a fair profit and at the same time help to make the province self-sufficient. Both on the agricultural and on the industrial side an endeavour will be made in a practical way to show the advantages of co-operative methods, and if circumstances are favourable, it may be possible to arrange for a full course of co-operative training with or without a supplementary training in the application of co-operative methods to various forms of agriculture or industry. The experiments proposed are necessarily tentative and their development will have to be guided by the experience gained in their working. Their success or failure will depend primarily upon the extent to which the detenus are prepared to take advantage of the opportunities offered to them. It will be necessary, therefore, to select the detenus with great care and the first opportunity will be given to those who have the necessary aptitude and have satisfied Government that they do honestly intend to discard the path of terrorism for a way of life alike profitable to themselves and useful to the community. Provision will be made, in the first instance, for the training of a few hundred only and during their training they will have to be kept under some form of restraint. At the end of the period of training they will be released provided their conduct and their general attitude have been found to be satisfactory. As soon as it is found that the experiments give definite promise of success, their scope will be expanded to embrace other suitable forms of agriculture and industry, and in the efforts so made to open up lines of useful activity it may be expected that much valuable light will be thrown on the general problems of unemployment which are so much in the minds of all of us, so that good to the province as a whole may ultimately come out of this great evil. The essence of the scheme is the making of a determined effort to solve the problem of rehabilitating the detenus in the normal life of the community and incidentally to strike at the same time a hammer blow at the problem of general unemployment. I wish particularly to emphasise this aspect of the matter, namely, that the benefits of the scheme, if it proves a success, will accrue to the community as a whole. Government will therefore watch with [illegible] efforts on the part of individuals or institutions to follow up [illegible] the results obtained so that this gigantic problem may be grade[illegible]ought to solution and they will welcome any co-operation that may [illegible] offered for making the

attempt on which they are now embarking a success. For the working of the scheme a special organisation will be set up forthwith under a gentleman well known to this House, Mr. S. C. Mitter, whose book "A Recovery Plan for Bengal" has attracted considerable notice, and whose energy and enthusiasm are a guarantee that nothing will be left undone that can reasonably be done to make the scheme a success. He will of course be provided with the necessary technical assistance and all the resources of the Agricultural, Industries and Co-operative Departments of Government will be brought to bear on the problem.

Fuller details of the scheme will be made public at as early a date as may be practicable, but it must be realised that there is still a great deal of spade-work to be done before it can be launched and suitable detenus must be forthcoming to take advantage of it. Considerable immediate expenditure will be involved, but if the scheme proves a success, large ultimate savings may be anticipated. I trust that the Council will not hesitate to grant necessary supplies for a purpose so full of potentialities for the good of the province.

I have had occasion before to ask for your assistance in stamping out this sinister and cankerous growth of terrorism, and it is no longer necessary for me to emphasise what is nowadays so well recognised, that it is in the highest interest not of Government alone, but of the people of Bengal, that the criminal activities of these misguided persons should be stopped. I ask you to-day as leaders of opinion in Bengal to lend your wholehearted support not in this Chamber alone, but outside, through the agency of the Press and the agency of public meetings, to the scheme on which Government are about to embark, and to help, by your general attitude, those misguided youths whose imagination and patriotism have been perverted by designing persons to get back to the broad highway which leads to prosperity for the province and to honour for her once fair name which they have done so much to besmirch. You can help them by making them realise that the success of the scheme will depend upon their conduct, their willingness to subject themselves to discipline, and their determination to learn what they are taught; and that they will forfeit any claim to your consideration if, having been given the opportunity, they misuse it. You will not be helping them if by your actions or your speech you encourage the belief that they can hope for relaxation or release until they have satisfied Government that they have given up their terrorist propensities and mean to live as good citizens.

Gentlemen, that is all I have to say at present, and I order that this House do now stand prorogued.

(His Excellency then left the Council Chamber in procession with the Hon'ble the President.)

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